

# Eagle Mountain City Council Minutes 2008

## *Dates of City Council Meetings:*

- January 8, 2008
- January 22, 2008
- January 31, 2008
- February 5, 2008
- February 19, 2008
  - March 4, 2008
  - March 18, 2008
  - April 1, 2008
  - April 15, 2008
  - May 6, 2008
  - May 20, 2008
  - June 3, 2008
  - June 17, 2008
  - July 1, 2008
  - July 15, 2008
  - August 5, 2008
  - August 7, 2008
  - August 19, 2008
- September 2, 2008
- September 16, 2008
  - October 7, 2008
  - October 21, 2008
- November 18, 2008
- December 2, 2008

**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

January 8, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:07 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Ifo Pili, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Steve Olsen, Energy Division; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Cory Wride, Sergeant.

**DISCUSSION/REVIEW ITEMS**

DISCUSSION – Warranty adjustments for subdivisions.

PRESENTATION – FY 2007 audit report – Ron Stewart, Gilbert & Stewart CPAs

**AGENDA REVIEW**

The City Council reviewed items on the consent agenda and policy session agenda.

**CITY ADMINISTRATOR INFORMATION ITEMS**

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

The City Council recessed into a closed executive session at 6:06 p.m. for the purpose of discussing reasonably imminent litigation and the purchase of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**ADJOURNMENT**

Mayor Jackson adjourned the work session at 6:06 p.m.

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:07 p.m. Boy Scout Troop 1038 led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Gina Peterson, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, City Engineer; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Cory Wride, Sergeant.

## INFORMATION ITEMS/UPCOMING EVENTS

Mayor Jackson announced the following upcoming event:

- Christmas tree pickup, January 14<sup>th</sup> through 17<sup>th</sup>

## PUBLIC COMMENTS

Ms. Tiffany Ulmer, 1320 Harrier Street, welcomed the new Mayor and Council. She also congratulated UDOT for promptly filling in potholes on S.R. 73.

Mr. Brian Free, 7654 Red Kite Way, commented on the lack of street lighting around Nolan Park. The area is so dark it has the potential to allow predators to endanger pedestrians after dark. He was very pleased with the new street lighting in City Center. Needs more, but City Center lighting is great. He asked that contact information for the new Council members be updated on the City's web site. Mr. Free offered to volunteer in any way the City needed. He was especially interested in City events like the 5K run during Pony Express Days, arts events and the Economic Development Board. He welcomed the new Council members.

## CITY COUNCIL/MAYOR ITEMS

### CITY COUNCIL COMMENTS

#### Councilmember Lifferth

Councilmember Lifferth welcomed the new Council members. He has been very impressed with their intelligence and love of the city.

#### Councilmember Ireland

Councilmember Ireland thanked the public for the opportunity to serve on the Council.

#### Councilmember Cieslak

Councilmember Cieslak expressed appreciation for the many people in attendance at the meeting. He said he strongly believed in representative government and encouraged residents to contact the Council with questions or concerns. He looked forward to honorably discharging his duties on the Council. He recognized the National Guard members in attendance and thanked members of the armed services for their service to our country.

### Councilmember Burnham

Councilmember Burnham expressed appreciation for the opportunity to serve the city. She asked for the residents' patience while the new Council members become more familiar with how to serve the city. Councilmember Burnham encouraged residents to come to the Council with their concerns.

### Mayor Jackson

Mayor Jackson echoed the sentiments expressed by the other Council members. She stated that the City has signed a contract with a new web site provider, which is expected to have the new web site operational within a month. The Council's contact information will be posted on the current web site until the new one is in place. She was excited to have the new Council members in place and to serve as Mayor. Mayor Jackson brought up the issue of poor trash pickup and asked Mr. Hendrickson to contact the city's trash contractor.

### BOARD APPOINTMENT – Craig Larrabee, Planning Commission

Mayor Jackson recommended the appointment of Mr. Craig Larrabee to the Planning Commission. Councilmember Cieslak **moved** to approve the appointment of Mr. Craig Larrabee to the Planning Commission. Councilmember Burnham **seconded** the motion.

Councilmember Lifferth asked Mr. Larrabee if he had attended previous Planning Commission meetings. Mr. Larrabee responded that he had attended the last meeting. Councilmember Lifferth thanked him for his willingness to serve.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Larrabee.

### BOARD APPOINTMENT – Deborah Malay, Library Board

Mayor Jackson recommended the appointment of Ms. Deborah Malay to the Library Board. Councilmember Cieslak **moved** to approve the appointment of Ms. Deborah Malay to the Library Board. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

Ms. Malay was unable to attend the meeting. She will receive the oath of office at another time.

### BOARD APPOINTMENT – Steven Barlow, Library Board

Mayor Jackson recommended the appointment of Mr. Steven Barlow to the Library Board. Councilmember Burnham **moved** to approve the appointment of Mr. Steven Barlow to the Library Board. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Barlow.

### APPOINTMENT – Mayor Pro Tempore

Mayor Jackson recommended the appointment of Councilmember David Lifferth to the office of Mayor Pro Tempore. The purpose of the office of Mayor Pro Tempore is to act for the Mayor when she is unavailable. She recommended that the position of Mayor Pro Tempore be rotated among Council members on an annual or semi-annual basis to give all members of the Council the experience of serving in that office.

Councilmember Cieslak **moved** to approve the appointment of Councilmember David Lifferth to the office of Mayor Pro Tempore, with the recommendation that the position be rotated on an annual or semi-annual basis. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak and Ryan Ireland. Those voting present: David Lifferth. The motion **passed** with a unanimous vote.

#### PRESENTATION OF AWARD TO EAGLE MOUNTAIN FROM THE NATIONAL GUARD

Colonel Burton of the Utah National Guard attended the meeting, accompanied by Sgt. First Class Wilcox, a resident of Eagle Mountain and the local recruiter, and Staff Sgt. Hill. Col. Burton said 106 Guardsmen live in Eagle Mountain, approximately 72 are on active duty orders and approximately 15 are deployed at the moment. He expressed appreciation for all the support the military receives from local communities and said that Eagle Mountain was outstanding in its support. He mentioned Sgt. Gordon Ewell, who suffered traumatic brain injury while deployed and will receive a home in Eagle Mountain, partially contributed by the City. He then presented a certificate of appreciation signed by General Tarbett to Mayor Jackson.

Mayor Jackson pointed out that Staff Sgt. Hill is also a resident of Eagle Mountain. His wife is the president of the Eagle Valley P.T.A. and both of them are very active in the community.

#### **CONSENT AGENDA**

Councilmember Lifferth **moved** to approve the following items on the consent agenda:

##### MINUTES

November 20, 2007 – Regular City Council Meeting

December 4, 2007 – Regular City Council Meeting

FY 2007 AUDIT – Acceptance of the FY 2007 financial audit

FINAL PAYMENT REQUEST – Tasco Engineering – Final payment for installation of streetlights for the Community Development Block Grant project

Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

Councilmember Lifferth asked if all the minutes are approved. Ms. Kofoed responded that she had directed the Deputy Recorder to research that and make sure all minutes have been approved. Ms. Kofoed will bring any unapproved minutes to the Council.

#### **SCHEDULED ITEMS**

7:00 P.M. PUBLIC HEARING – Saratoga Springs boundary adjustment

ORDINANCE – Consideration and adoption of an ordinance adjusting the common boundary between the City of Saratoga Springs and Eagle Mountain City and zoning the land to be annexed by Eagle Mountain City

City Attorney Jerry Kinghorn presented the ordinance adjusting the boundary between the City of Saratoga Springs and Eagle Mountain City. The 29.47-acre parcel is located south of S.R. 73 and at the existing eastern boundary of Eagle Mountain City. The public hearing was continued from the November 20, 2007, City Council meeting. No written protests to the proposed boundary adjustment were received by Eagle Mountain City prior to the November 20, 2007, deadline. Two other properties contiguous to the property in question are expected to be annexed to Eagle Mountain after Saratoga

Springs approves an additional boundary adjustment. The ordinance includes maps, notices and amended articles of incorporation to be executed by Mayor Jackson.

Councilmember Lifferth asked if any protests to the boundary adjustment had been filed. Mr. Kinghorn responded that none had been received.

*\*\*Mayor Jackson opened the public hearing at 7:34 p.m.\*\**

Ms. Jen Cooper, 2086 Cedar Trails Way, said that she had been unable to make her comments during the earlier public comment period. She has spoken to Mr. Hendrickson about the City gifting or leasing a piece of land at the intersection of Saddle Horn Drive and Cassidy Way where the homeowners' association could install a swimming pool. She asked the Council to consider and vote on that item. Ms. Cooper stated that she is the Parks Committee chair for Pioneer Addition subdivision. Several residents have contacted her regarding the land between Frontier Street and Saddle Horn Drive asking the status of the park planned for the property. Mayor Jackson asked Ms. Cooper to forward the information to her email address so she could discuss the issue with Mr. Hendrickson.

*\*\*Mayor Jackson closed the public hearing at 7:37 p.m.\*\**

Councilmember Cieslak **moved** to adopt Ordinance O-01-2007, adjusting the common boundary between the City of Saratoga Springs and Eagle Mountain City and zoning the land to be annexed to Eagle Mountain City. Councilmember Lifferth **seconded** the motion.

Councilmember Lifferth mentioned that there was a significant discussion during work session about the area not included in the ordinance which was expected to be annexed in the future, as well as the water issues which were not yet resolved. However, he supported the ordinance as written because it would be much easier for Eagle Mountain than for Saratoga Springs to provide utilities to the property.

Mayor Jackson explained to the audience that the goal of the boundary adjustments was to have all the land to the west of the power corridor annexed to Eagle Mountain because of the difficulty Saratoga Springs would have in providing utilities to the area. She stated that there is an issue as to whether the water associated with the property is part of the Cedar Valley area or the Utah County area, but that issue will be resolved. Mayor Jackson also said that two other properties contiguous to the property being annexed had been planned to be included in this action. They are expected to be transferred from Saratoga Springs to Eagle Mountain in the near future.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

MOTION – Consideration and approval of a motion to authorize publication of notice of a City Council vacancy, set a deadline for submittal of statements of interest and schedule a meeting to appoint a new Council member

The Notice of Vacancy of a City Council seat was presented by City Attorney Jerry Kinghorn. State statute requires that the City Council set a deadline for applicants to fill the vacant City Council position created by the election of Heather Jackson to the Office of Mayor. The statute provides that the City Council may not set a deadline earlier than 14 days after the publication of the Notice of Vacancy. The statute requires the City Council to set the date and time of the meeting where the appointment to fill the

vacancy will be made. The earliest publication date available is January 13, 2008, and therefore the deadline may not be earlier than January 28, 2008, at 5:00 p.m. The City Council will need to decide whether to make the appointment at its regularly scheduled meeting on February 5, 2008, or to make the appointment at a special meeting prior to February 5, 2008. The blank in the notice will be filled in during the meeting when the Council decides when to make the appointment.

Councilmember Lifferth asked why the notice could not be published sooner than January 13<sup>th</sup>. Mr. Kinghorn responded that the State statute requires 14 days to pass between publication of the notice and the deadline for submission of statements of interest. The newspaper requires four days' lead time for publication of legal notices, so the first date available for publication will be January 13<sup>th</sup>.

Councilmember Burnham **moved** to approve a motion authorizing publication of notice of a City Council vacancy, setting a deadline for submittal of statements of interest of January 28, 2008, at 5:00 p.m. and scheduling a meeting to appoint a new Council member on January 31, 2008, at 6:00 p.m.

Councilmember Cieslak **seconded** the motion.

Councilmember Cieslak informed the audience that in work session, the Council discussed whether to hold a special meeting. The purpose of including a special meeting in Councilmember Burnham's motion is to have a full Council at the regular meeting on February 5<sup>th</sup>.

Councilmember Lifferth asked if any other business would be conducted at the meeting on January 31<sup>st</sup>. Mayor Jackson responded that the special meeting would be entirely focused on appointing a new City Council member.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

RECOMMENDATION – Recommendation and approval to have Mayor Jackson send a letter of support to of two Lehi City road projects, as requested by Lehi City

City Administrator John Hendrickson presented the proposed letter of support regarding two Lehi City road projects. On December 4, 2007, Mayor Richardson, Mayor Elect Jackson, and City Administrator Hendrickson met with City Administrator Davidson of Lehi and the Lehi City Engineer to discuss Eagle Mountain's possible support of certain road projects for which Lehi City is seeking construction funding from Congress. The roads they have asked support for are 1) 2300 West from 2100 North to 1900 South and 2) a diagonal road connecting 1000 South to 1900 South.

Development of both of these roads would materially assist in aiding east-west movement for residents of Eagle Mountain. The 2300 West development would connect the 1000 South four-lane road to be built by UDOT with the Thanksgiving Point area and the 2100 North exit to I-15. The diagonal connection from 1000 South to 1900 South would provide an additional route for Eagle Mountain motorists wanting to reach I-15 and points south. In addition, Lehi and Saratoga Springs would both like to expand 1900 South, which lines up more directly with the Pony Express Boulevard Extension planned from Eagle Mountain through Saratoga Springs to Redwood Road. Therefore, It is recommended that the City encourage the development of these two roads.

Mayor Jackson told the audience that Lehi was requesting Eagle Mountain's support so that Lehi could go to Utah's delegation in Washington, D.C., to request funding for these projects. Lehi City will then

support Eagle Mountain's project to extend Pony Express Parkway to Redwood Road. The discussion at the meeting did not include the 2100 North corridor, which Lehi and Eagle Mountain disagree on.

Councilmember Lifferth said that, while he supports the road projects, he is concerned about a main road running next to Willow Springs Middle School. He hoped that the route would be adjusted. Mayor Jackson responded that Lehi plans to consider adjusting the alignment. Much of the road corridor is set aside to minimize its impact on adjacent areas.

Councilmember Lifferth **moved** to approve a recommendation to have Mayor Jackson send a letter of support of Lehi City's request for federal funding of the two road projects discussed at this meeting. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

Councilmember Cieslak expressed appreciation for Mayor Jackson's engaging in dialog with Lehi City on these critical road projects, particularly since Lehi will support Eagle Mountain's Pony Express Parkway project. He said that discussions with nearby cities will be mutually beneficial.

MOTION – Consideration and approval of an amended supplementary agreement to the sewer treatment service contract with the Timpanogos Special Service District

City Administrator John Hendrickson presented the proposed amended supplementary agreement to the sewer treatment service contract with the Timpanogos Special Services District (TSSD) was presented by City Administrator John Hendrickson. In 1999, TSSD entered into agreements with Eagle Mountain to provide sewer services in their Utah County plant. However, some changes and additions in 2002, intended to be a part of those agreements, were not executed. TSSD recently reviewed its contract files and requested that these changes be executed. This amendment deals with the City's responsibility to remit required impact fees to TSSD on a timely basis. The agreement confirms the practice the City now generally follows, so major adjustments will not be required.

The key provisions are found in Article 1, Sections 203, 205 and 207. They direct when remittance must be made and the penalties if not payments are not made within the specified time, the options that TSSD may use if impact fees collected are not sufficient to cover the debt obligations or if they are greater than needed to cover the debt, and the requirements for the City's accounting of the collections.

The City has no obligation to provide additional funds for bond redemption other than those impact fees required to be collected. However, if the City fails to collect a required impact fee, the City must still pay the full amount required. Additionally, if the City fails to remit the required amount by the due date, the City will be charged a late fee at the rate of 12% per annum, calculated on a daily basis.

Councilmember Lifferth stated it is important that the City carefully monitor agreements and correct any errors in a timely fashion.

Councilmember Ireland **moved** to approve the amended supplementary agreement to the sewer treatment service contract with TSSD. Councilmember Cieslak **seconded** the motion.

Councilmember Lifferth asked if the agreement was revenue-neutral. Mr. Hendrickson responded that it would be revenue-neutral as long as all payments were made on time, preventing assessment of late fees.

Councilmember Burnham was concerned that some payments were made late in the past. She hoped staff would be diligent in getting the payments in on time so the City will not have to pay any penalties.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

## **CITY COUNCIL/MAYOR'S BUSINESS**

### Councilmember Ryan Ireland

Councilmember Ireland had no comment.

### Councilmember Eric Cieslak

Councilmember Cieslak stated that City staff has done a great job. He looked forward to working with them. He wanted them to know that, while their jobs often go unappreciated, he appreciated their efforts.

### Councilmember Burnham

Councilmember Burnham said one of her campaign issues was getting citizens involved in the community. She asked that the audience let others know that the City will be creating more opportunities for volunteer service. The city needs the efforts of all the volunteers it can get.

### Councilmember David Lifferth

Councilmember Lifferth asked Mayor Jackson to take action on the recently-passed ordinance regulating use of City buildings. He expressed appreciation for everyone who attended this meeting and for the spirit of cooperation of the Council.

### Mayor Heather Jackson

Mayor Jackson stated she intended to review the ordinance mentioned by Councilmember Lifferth. Until the ordinance is rewritten, the Mayor's designees permitting use of the building will be all of the Council members. The Council will also be working on activating the boards that have been inactive and acting on issues discussed in the members' election campaigns. Mayor Jackson asked Mr. Hendrickson to report on the progress on appointing a Public Works director. She also pointed out that the majority of the work this evening was completed by 8:00 p.m. While that will not always happen, she appreciated the cooperation shown by the Council tonight and intended that all Council meetings would be begun and conducted in as timely a manner as possible.

## **CITY ADMINISTRATOR ITEMS**

Mr. Hendrickson stated that interviews for the position of Public Works Director have been held. Mr. Hendrickson recommended City Engineer Chris Trusty and Mayor Jackson agreed. Salary negotiations with Mr. Trusty are underway. Mayor Jackson is considering separating the Energy Division from the Public Works Department. Mr. Hendrickson recommended that be done and Mayor Jackson will make the decision.

Mayor Jackson commended Mr. Trusty for his patience during the several months the appointment was being considered. She recognized the excellent work of the new City Recorder and the Deputy Recorder for covering the office until a City Recorder was hired. She thanked all the staff, as well. She stated that Chief Andrus was absent from the meeting temporarily to work out some issues with management and billing of future wildfires.

ADJOURNMENT

Councilmember Lifferth **moved** to adjourn the meeting at 8:04 p.m.

APPROVED BY CITY COUNCIL JANUARY 22, 2008

  
Fionnuala Kofod, City Recorder





**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

January 22, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:13 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland and David Lifferth. Councilmember Cieslak participated telephonically.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Ifo Pili, Management Analyst; Linda Peterson, Public Information Coordinator; Lynn Story, Special Events Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director/City Engineer; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

**DISCUSSION/REVIEW ITEMS**

PRESENTATION – Senate Bill 46, Anti-Flow-Control Bill

– Rodger Harper, District Manager, North Pointe Solid Waste Special Service District

DISCUSSION – Policies and Procedures Manual

– DeAnna Whitney, Human Resources Coordinator

DISCUSSION – Proposed Reimbursement Agreement for Pressurized Irrigation for Sweetwater Phases 2 & 3 – Chris Trusty, Public Works Director

DISCUSSION – Proposed Agreement for North County Libraries Interlocal Cooperation

– Michele Graves, Librarian

**AGENDA REVIEW**

The City Council reviewed items on the consent agenda and policy session agenda.

**CITY ADMINISTRATOR INFORMATION ITEMS**

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

The City Council recessed into a closed executive session at 6:37 p.m. for the purpose of discussing reasonably imminent litigation and the purchase of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

## 7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Heather Anne Jackson called the meeting to order at 7:11 p.m. Donna Burnham led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Ryan Ireland and David Lifferth. Councilmember Cieslak participated telephonically.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Lynn Story, Special Events Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director/City Engineer; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

### **INFORMATION ITEMS/UPCOMING EVENTS**

- MountainView Corridor public comment period ends Thursday, January 24
- Woman of Achievement nomination deadline, Thursday, January 31
- Senior Council Bingo Night, Monday, January 28, 5:00 p.m. at City Hall
- Western States Primary Election, Tuesday, February 5, 7:00 a.m. – 8:00 p.m., Pony Express Elementary School
- MAG east-west transportation study workshop, Wednesday, February 6, 4:30 - 6:30 p.m. at City Hall

### **PUBLIC COMMENTS**

*\*\*No public comments were received.\*\**

### **CITY COUNCIL/MAYOR ITEMS**

#### CITY COUNCIL COMMENTS

##### Councilmember Burnham

Councilmember Burnham had no comments.

##### Councilmember Cieslak

Councilmember Cieslak had no comments.

##### Councilmember Ireland

Councilmember Ireland had no comments.

##### Councilmember Lifferth

Councilmember Lifferth stated that snow removal was a little slow yesterday. Mr. Hendrickson responded the Street Department worked about 15 hours. They were somewhat slowed down by cars parked on the street. Mr. Hendrickson said he had received only one complaint and asked Public Works Director Chris Trusty if he had received complaints. Mr. Trusty responded that Jeff Weber, Assistant Public Works Director, received a couple of complaints about plowed snow blocking residents' driveways.

Mayor Jackson

Mayor Jackson said during the last several storms, the Street Department has done an excellent job plowing snow. She advised residents to stay off of SR 73 if wind is blowing snow across the road.

**CONSENT AGENDA**

Councilmember Cieslak **moved** to approve the following items on the consent agenda:

MINUTES

January 8, 2008 – Regular City Council Meeting

DEVELOPMENT AGREEMENTS

Eagle Point F, Plat 1

Eagle Point F, Plat 2

FINAL BOND RELEASES

Pioneer Addition, Phase 7A

Pioneer Addition, Phase 7B

Sweetwater, Phase 1

FINAL PAYMENT REQUEST – 2007 Friday’s Station storm drain installation

CHANGE ORDER – Pierucci & Siaperas change order #1, installation of a 2-inch double check valve, waterline & enclosure at the sewer treatment facility

Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

**SCHEDULED ITEMS**

AGREEMENT – Consideration and approval of a North County interlocal library cooperation agreement

City Librarian Michele Graves presented a North County library interlocal cooperation agreement between Eagle Mountain, Lehi, American Fork and Pleasant Grove libraries. This is an agreement drafted between the listed participating libraries agreeing to share resources. The agreement will allow residents of Eagle Mountain to participate in sharing resources with other North County libraries at a reduced fee and allow residents of local areas without libraries to use the four libraries at one cost.

Mayor Jackson thanked Ms. Graves for her 2½ years of effort in putting this agreement together. It particularly benefits Eagle Mountain because Eagle Mountain’s library is the newest and smallest in the group, having opened in November of 1999. Councilmember Lifferth asked Ms. Graves what the fee schedule for the agreement would be. Ms. Graves responded that Eagle Mountain residents who wished to participate would pay a \$35 per family nonresident fee annually to the Lehi City library. This fee is lower than those paid by residents in Lehi, American Fork and Pleasant Grove because those libraries are much larger than Eagle Mountain’s.

Each city in the North County which is without a library will have a “home” library, based on location. Eagle Mountain will be the home library for Cedar Fort, White Hills and Fairfield. Residents of those cities who would like to participate in the program will pay a \$35 annual nonresident fee to the Eagle Mountain Library.

Councilmember Lifferth asked if there would ever be an agreement with Salt Lake County. Ms. Graves responded that was unlikely, but interlibrary loan gives residents access to materials from all over the country. The interlocal agreement includes only the North County because the Provo and Orem libraries are too large to benefit from the agreement. She hoped there would eventually be a Utah County library system.

Mayor Jackson asked if South County libraries would be interested in participating in the agreement. Ms. Graves said they are not ready at this point, but may wish to participate in the future.

Councilmember Lifferth expressed appreciation for Ms. Graves and the other library employees and volunteers. Ms. Graves also thanked the employees and volunteers. Mayor Jackson suggested holding a library fund-raising event soon.

Councilmember Burnham **moved** to approve the North County interlocal library cooperation agreement between Eagle Mountain, Lehi, American Fork and Pleasant Grove libraries. Councilmember Lifferth **seconded** the motion.

Councilmember Burnham said she has watched the City Library grow from the time it was in a room in the fire station, to the trailer and now in the City Hall. She thanked Ms. Graves for her hard work and excellent grant writing. Many of the library's resources have been funded through grants written by Ms. Graves.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

Mayor Jackson stated that the other three City Councils are discussing the agreement tonight.

#### MOTION – Consideration and approval of a site plan for the Sweetwater Professional Plaza

An application for a site plan review for the Sweetwater Professional Plaza was presented by Planning Director Peter Spencer. The site plan includes six 6,000-square-foot professional office buildings, parking, landscaping, etc. The proposed project is located along Sweetwater Road, just east of Overland Trails Plat 3A in a Commercial C-1 zone (Eagle Mountain Properties Master Plan designation), which is regulated as an Eagle Mountain City Commercial zone. The project is planned to be built in three phases. The developer will be required to submit an updated lighting plan, due to the Planning Commission's concern that the proposed lighting may not be adequate for the entire parking area.

Development and improvement of road frontage has been a major discussion point on the project. Staff recommends the developer improve a second traffic lane, curb and gutter and the park strip, including an eight-foot trail. Other frontage improvement options are being considered.

Proposed conditions of approval are as follows:

1. Public Works/Engineering conditions:
  - a. DEDICATION. 12 feet must be dedicated to the City for additional right of way.
  - b. STORM DRAINAGE. Storm drainage and detention must be clarified with the City Engineer.
  - c. STREET IMPROVEMENTS. The remainder of Sweetwater Road adjacent to this parcel must be shown on the plans and improved to City standards and specifications.
2. Public Works/Parks conditions:
  - a. STREET FRONTAGES. Street frontages must be shown in the plans: street trees and grass in the park strips, a trail on Sweetwater Road and all other landscaping. Staff must approve all landscaping plans.
  - b. MEDIAN LANDSCAPING. At least a portion of the median must be landscaped. Staff recommends the entire median be landscaped.
3. Planning Commission conditions:
  - a. MECHANICAL EQUIPMENT. Berming or screening must be provided to shield the view of mechanical equipment. Equipment should be located on the side façade if possible.
  - b. LIGHTING. A lighting plan must be submitted to be reviewed by staff.

In addition, Mr. Kinghorn recommended that having a development agreement in place be a condition of approval of the site plan. Mr. Kinghorn said a development agreement could be brought before the Council at the next meeting.

The Planning Commission reviewed this proposal at the December 11, 2007, meeting and recommended conditional approval.

Councilmember Lifferth asked where the fence separating the project from the adjoining residential area would be located and where the lighting in the parking area would be. Mr. Spencer responded by pointing out the locations on a map projected on the wall. The fence will be a six-foot-tall, tan vinyl privacy fence.

Councilmember Lifferth asked if the parking area lights would cause light pollution. Mr. Spencer responded that the Development Code requires lights that illuminate downward, not outward.

Mayor Jackson invited the applicant to speak. Mr. Mike Wren explained that the light spacing will comply with the City's street lighting standards. Regarding improvement of the frontage, he said that there is nowhere on Eagle Mountain Blvd. or Sweetwater Road where a developer has been required to improve the frontage, including the frontage at the City buildings. Such a precedent would result in drivers having to cross traffic lanes in order to turn out of the development, which would be unsafe and potentially cause traffic accidents. Drainage on the road would have to be designed and engineered for 2½ miles. Otherwise it would be designed piecemeal and built in a way that might not fit together properly. Mr. Wren also stated a capital road improvement should be funded as a city-wide project.

Councilmember Ireland said that in the Planning Commission meeting there was a question as to whether, with the lights being located on the west side of the parking area, they would adequately light the entire area.

Mr. Wren responded that they would, with the assistance of the can lights on the exteriors of all the buildings.

Mayor Jackson asked for clarification on the light locations.

Mr. Wren responded that there would be three staggered lights in the parking area in addition to the can lights on the building exteriors.

Councilmember Ireland asked Mr. Spencer if there is any concern about the lighting being sufficient. Mr. Spencer explained that the Development Code requires that a lighting plan must be submitted showing how far the illumination extends. Normally, a lighting plan is submitted with the original application.

Councilmember Lifferth asked if the recommended motion is the same as the motion made in the Planning Commission meeting on December 11, 2007. Mr. Spencer said the only difference is that the Planning Commission recommended the frontage issue be resolved before the site plan is approved.

Councilmember Ireland felt the City should make a study of the entire frontage of Sweetwater Road. Mayor Jackson asked if he meant making a study of the Capital Facilities Plan regarding Sweetwater Road and Eagle Mountain Blvd., widening them and implementing the trail system and landscaping plan for them.

Councilmember Ireland responded that he would like to ask staff for a recommendation as to how the problem should be solved in the future so the City and developers will know what to expect. Mayor Jackson said a study could be conducted by the Public Works Department.

Mr. Hendrickson suggested the developer post a bond so the project can go forward while the frontage issue is resolved.

Mayor Jackson said the choices for a temporary solution to the problem should be specified in the development agreement. She asked Mr. Wren if he would consider posting a bond. Mr. David Adams of the development company stated if Public Works is getting close to setting the impact fee amount, the company would be willing to bond for the impact fee amount.

Mayor Jackson asked Mr. Trusty for a time line on the impact fee amount. Mr. Trusty said it will depend on how much frontage land the development would include and when other parcels along the frontage would be developed. Mayor Jackson asked if a smaller area could be considered. Mr. Trusty stated it would take one to two months to complete a smaller study. Mr. Hendrickson asked Mr. Adams when he planned to pull a building permit. He said he was not sure, but would like to have a building constructed this year.

Mayor Jackson said residents in that area were concerned that any construction in the area have a construction entrance and said construction entrances would be required.

Councilmember Lifferth stated the City needs to have a long-term plan in place for improvement of the city's main thoroughfares. Mayor Jackson asked Mr. Trusty to address immediate needs now, then create a longer-term plan by the end of the year.

Councilmember Ireland moved to approve the Sweetwater Professional Plaza, subject to a development agreement being in place, a bond being posted for impact fees for street improvements based on the engineer's estimate and the following conditions:

1. Public Works/Engineering Conditions:
  - a. DEDICATION. 12 feet must be dedicated to the City for additional right of way.
  - b. STORM DRAINAGE. Storm drainage and detention must be clarified with the City Engineer.
  - c. STREET IMPROVEMENTS. The remainder of Sweetwater Road adjacent to this parcel must be shown on the plans and improved to City standards and specifications.
2. Public Works/Parks Conditions:
  - a. STREET FRONTAGES. Street frontages must be shown in the plans: street trees and grass in the park strips, a trail on Sweetwater Road and all other landscaping. Staff must approve all landscaping plans.
  - b. MEDIAN LANDSCAPING. At least a portion of the median must be landscaped. Staff recommends the entire median be landscaped.
3. Planning Conditions:
  - a. MECHANICAL EQUIPMENT. Berming or screening must be provided to shield the view of mechanical equipment. Equipment should be located on the side façade if possible. *(Added by Planning Commission)*
  - b. LIGHTING. A lighting plan must be submitted to be reviewed by staff. *(Added by Planning Commission)*

Councilmember Cieslak **seconded** the motion.

Mayor Jackson asked Mr. Kinghorn if the motion would adequately cover the legal requirements of the bonding. Mr. Kinghorn said bonding for impact fees is different from bonding for street improvements. The motion must specify which bond will be posted. The motion was clarified to provide for bonding for impact fees.

Councilmember Lifferth said he supported having a business park in the City Center. He expressed appreciation for the Council working together and working with the developer to bring the project to the residents as soon as possible.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

MOTION – Motion to approve an amended work order for Intermountain Consumer Professional Engineers (ICPE) for subdivision design

Energy Division Manager Adam Ferre presented an amended work order for ICPE for subdivision design. The ICPE proposal reduces the original cost of providing engineering and drafting services to prepare layouts for electric and natural gas infrastructure installed in new and re-platted subdivisions. The new rates would be \$1000 per subdivision for 15 or fewer lots. Additional lots would cost \$30 per lot.

Councilmember Lifferth **moved** to approve the amended work order for Intermountain Consumer Professional Engineers (ICPE) for preparing layouts for electric and natural gas infrastructure installed in new and re-platted subdivisions. Councilmember Burnham **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of an escrow fund agreement between Eagle Mountain City, the Utah State School and Institutional Trust Lands Administration (SITLA) and U.S. Bank

The escrow fund agreement was presented by City Attorney Jerry Kinghorn. The agreement documents the deposit of \$750,000 by the State of Utah School and Institutional Trust Lands Administration (SITLA) to an escrow account at U.S. Bank. The \$750,000 constitutes an advance of future water impact fees which would otherwise become due and payable as trust lands are developed.

Exhibit 1 to the agreement describes the improvements which qualify for contribution by SITLA and for which funds may be withdrawn from the escrow account by the City. The escrow agent will hold the funds and disperse them to the City following the draw approval process described in paragraphs 5 and 6 of the agreement.

Councilmember Lifferth **moved** to approve the escrow fund agreement between Eagle Mountain City, the Utah State School and Institutional Trust Lands Administration and U.S. Bank. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of a carnival agreement with Midway West for Pony Express Days

Special Events Coordinator Lynn Story presented a three-year carnival agreement for Pony Express Days. Midway West is one of two full-service carnival providers in Utah. They have provided carnival services in Eagle Mountain for Pony Express Days since 2004.

Councilmember Burnham **moved** to approve the carnival agreement with Midway West for Pony Express Days as corrected in work session. Councilmember Ireland **seconded** the motion.

Councilmember Cieslak stated residents have told him they are uncomfortable with having carnival workers staying in Nolan Park overnight. He asked Ms. Story if it would be possible for them to stay elsewhere than on site. Ms. Story responded that carnival workers normally stay on site to protect their equipment. Mayor Jackson pointed out that the Sheriff's Office increases its patrols of the area during Pony Express Days.

Councilmember Burnham mentioned that the agreement gives Midway West exclusive rights to certain concession items and asked that booth vendors receive clear instructions as to what items may only be sold by Midway West. Ms. Story responded that the booth application has been changed to clarify several requirements.

Councilmember Lifferth called the question.

Mayor Jackson called for a vote on the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

AGREEMENT – Consideration and approval of a concert agreement with Triple Threat for Pony Express Days

Special Events Coordinator Lynn Story presented a concert agreement with Triple Threat for Pony Express Days. Triple Threat consists of country music artists Blackhawk, Little Texas and Restless Heart. Concert ticket prices will be \$15 per person, with free admission for children two years old and under.

Council members brought up several items in the agreement with Romeo Entertainment which had old, inaccurate information. Mr. Kinghorn responded that the all the concert agreements allow strikeouts.

Councilmember Ireland **moved** to approve the concert agreement with Triple Threat for Pony Express Days. Councilmember Cieslak **seconded** the motion.

Councilmember Lifferth called the question.

Mayor Jackson called for a vote on the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

## **CITY COUNCIL/MAYOR'S BUSINESS**

### Councilmember Lifferth

Councilmember Lifferth said he enjoyed having a Council that worked well together.

### Councilmember Ireland

Councilmember Ireland had no comments.

### Councilmember Burnham

Councilmember Burnham encouraged the Council to work on activating the inactive boards and councils. She was very pleased about the interlocal library agreement, which will be a great benefit to residents.

### Councilmember Cieslak

Councilmember Cieslak apologized for being unable to attend the meeting because he was working in Chicago. He expressed appreciation to the Deputy Recorder for helping with his telephonic connection to the meeting. He echoed Councilmember Burnham's comments on the interlocal library agreement and thanked Ms. Graves for her work in putting it together.

### Mayor Jackson

Mayor Jackson stated that tomorrow is Officials' Day at the Legislature and most of the City Council will be attending. She said the City is working to get inactive boards and councils reactivated. Mr. Hendrickson reminded the audience that there would be a special City Council meeting on January 31<sup>st</sup> to appoint a Council member to fill Mayor Jackson's unexpired term. Mayor Jackson said the Recorder's Office had only received one application so far. The application deadline is January 28<sup>th</sup> at 5:00 p.m.

## ADJOURNMENT

Councilmember Cieslak **moved** to adjourn the meeting at 8:14 p.m.

APPROVED BY CITY COUNCIL FEBRUARY 5, 2008

  
Fionnuala Kofoed, City Recorder



**MINUTES**  
**EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING**

January 31, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**6:00 P.M. SPECIAL SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 6:06 p.m. Ryan Ireland led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; DeAnna Whitney, Human Resources Coordinator; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

**MAYOR/COUNCIL BUSINESS**

Mayor Jackson thanked the Sheriff's Office, Fire Department and other agencies involved in resolving a standoff situation in Kiowa Valley this afternoon, in which a resident had locked himself in his home with firearms. The situation ended safely.

**INTERVIEWS**

INTERVIEWS – Question and answer interview session with applicants for the vacant City Council position

Mayor Jackson and the City Council interviewed two applicants for the City Council vacancy, Mr. Anthony Knight and Mr. Nathan Ochsenhirt. The other applicant, Mr. Bryan Free, was unable to attend the meeting. Mayor Jackson gave each applicant two minutes to make a statement, followed by questions from the Council.

The Council first interviewed Mr. Ochsenhirt. Mr. Ochsenhirt stated that he received enormous voter support in the recent election. He works as a contractor in partnership with his father. Through his employment he has learned how to communicate and resolve issues. If appointed, he would use these abilities to improve the public's perception of Eagle Mountain politics. He expressed support for the Mayor and Council and looked forward to the opportunity to serve the people of the city. He felt there had been a divide between the Council and the residents which he hoped to alleviate. He pointed out that, with all the Council's abilities, there was no one with experience in the construction industry, which is a perspective he could bring.

Councilmember Burnham asked what Mr. Ochsenhirt's primary goal would be if he were appointed to the Council. Mr. Ochsenhirt responded that he would focus on acquisition and improvement of open space, beginning in the City Center.

Councilmember Cieslak expressed appreciation for Mr. Ochsenhirt's efforts in going through the campaign process for last November's election. He asked how Mr. Ochsenhirt planned to fit Council obligations into his schedule. Mr. Ochsenhirt responded that, while his life was already very busy, there is always time for activities that are very important. His family comes first and might occasionally require him to be absent from Council activities.

Councilmember Ireland asked about Mr. Ochsenhirt's availability to represent the City at events other than City Council meetings. Mr. Ochsenhirt responded that being part-owner of a company creates a great deal of responsibility but also allows more flexibility than is available to many people.

Councilmember Ireland asked how Mr. Ochsenhirt would work together with other Council members at times when they had strongly-held differences of opinion. Mr. Ochsenhirt responded that during the campaign he committed to fight for issues he and the public strongly supported, keeping in mind that his decisions must be made in the interest of the community. He would clearly explain his position to Council members with whom he disagreed. The Council consists of five members so that issues can be thoroughly discussed and differing viewpoints considered.

Councilmember Ireland asked if he would be able to work with Council members after they and he had strongly disagreed. Mr. Ochsenhirt said recent problems with entrenched personal positions on the Council have damaged the public perception of the Council. Functionality depends on being able to disagree and still work together. Councilmember Ireland mentioned that all the votes taken in the last two Council meetings have been unanimous. Mr. Ochsenhirt said that can often be good, but sometimes battles are necessary.

Councilmember Lifferth mentioned that Mr. Ochsenhirt received 1,055 votes in the last election. He asked what commitments he made to his supporters. Mr. Ochsenhirt responded that financial campaign support was a sensitive subject for him because he spent more on his campaign than anyone except Mayor Jackson. He has received negative comments because much of that support came from developers. He said the support came from those in his own industry whose language he could speak and they knew he would expect them to follow City policies and regulations. He appreciated everyone who supported him with time, money or effort. Mr. Ochsenhirt stated that he supports development in the city, but would not sacrifice infrastructure for excessive development. His only special interest is Eagle Mountain City.

Councilmember Lifferth asked what Mr. Ochsenhirt would do or present differently than he had during the election. Mr. Ochsenhirt said the public supported him in the election to the point that he was very nearly elected. He came in fourth for Council seats and there is now a fourth seat available, so this is a logical extension of the public's vote. Therefore, he saw no need to change what he had said during the campaign.

Councilmember Lifferth said the election had been for a four-year term, while the appointment is for two years. He asked if Mr. Ochsenhirt planned to run again in two years. Mr. Ochsenhirt said that at this point he planned to run again.

Mayor Jackson called Mr. Knight to the microphone. He expressed appreciation for Mr. Ochsenhirt. He stated he had not applied out of any negative idea of Mr. Ochsenhirt, but out of a desire to offer his services to the city. He recently moved to City Center from the Ranches with his wife and four-year-old son. He served on the Willow Springs Homeowners' Association Board for two years, requiring him to

make tough decisions. In his employment as an unemployment adjudicator for the State, he makes difficult, informed decisions every day; he has to be firm but fair in applying policy. He was previously a child abuse investigator in Florida and volunteered on the Tampa City Civil Service Board. Mr. Knight's State job involves a flexible schedule, telecommuting from home. He does some work as an actor and runs a home-based talent agency with his wife. He hopes to bring movie production to Eagle Mountain.

Councilmember Cieslak stated that Mr. Knight had answered his question on availability, but he wanted to follow up by asking how he would balance work, the talent agency and the City Council. Mr. Knight said his supervisor is very flexible and has allowed him to go to auditions with only a few hours' notice. The talent agency work is also flexible. He previously found time to volunteer with the Homeowners' Association and the Civil Service Board.

Councilmember Ireland asked why Mr. Knight had not run for election rather than waiting for this appointment. Mr. Knight responded that he had to petition the State Human Resources Office to see if serving on the City Council would create a conflict of interest. He did not receive an answer until after the filing deadline.

Councilmember Ireland asked about Mr. Knight's educational background. Mr. Knight responded that he had a bachelor's degree in International Relations. After volunteering in Congressman Deutch's office, he became interested in city & county administration and earned a master's degree in public administration. He said he has a curious, investigative personality, likes to tackle issues by getting as much information as possible, then stands behind his decisions.

Mr. Knight mentioned that he is half Cuban, which would help him to represent the growing diversity in Eagle Mountain's population.

Councilmember Lifferth pointed out that Mr. Knight is disadvantaged by not being well known. He asked what Mr. Knight's platform would have been in the election. Mr. Knight responded that it would have been a return to normalcy. Politics in Eagle Mountain has resembled a soap opera recently. He would like to support stability and accountability. He would also like to concentrate on controlled commercial development and listening to the interests of the residents.

Councilmember Lifferth noted that the Congressman Mr. Knight volunteered for was a Democrat, while Mr. Knight is registered as a Republican. He asked Mr. Knight's political position. Mr. Knight replied that he is a fiscal conservative and a social moderate. There was no Republican Congressman who needed an aide at the time he was interested in volunteering. The work he did for the Congressman fit his core values.

Councilmember Lifferth asked what challenges Mr. Knight had faced while serving on the Board of the Willow Springs Homeowners' Association and how that impacted his philosophy of how the city and the Homeowners' Association should operate. Mr. Knight responded that he had to bear the brunt of unpopular decisions. As an example, Willow Springs needed professional management, which the Board put in place, but which was unpopular. He made decisions by asking people what they wanted and voting in their interests, not on his own agenda. For instance, he fought for postponement of the recreation center, which was wanted, but in his opinion had not been adequately researched.

On the issue of diversity, Mayor Jackson asked Councilmember Burnham if her father was Puerto Rican. Councilmember Burnham said he was and that she was born in Puerto Rico.

Councilmember Burnham stated she was impressed with Mr. Knight's education and work experience. She asked if he had attended City Council meetings. He responded that he had not, as he has been conducting the business of the talent agency at night. Councilmember Burnham also asked what his goals for economic development are. Mr. Knight said he would like to make the city more livable so the residents will not need to travel to American Fork for transactions. He felt the role of the Economic Development Board is to indicate a path, which the Mayor and Council would refine. He would like to see Eagle Mountain become less of a bedroom community and more of a city.

Mayor Jackson asked the candidates to be involved with the city whether they win or not. She noted that Councilmember Burnham set a precedent by attending virtually all City Council meetings after losing in the previous election.

Councilmember Ireland asked the candidates if they would be willing to serve on a Board if not appointed and on which they would be interested in serving.

Mr. Ochsenhirt said he would like to serve on the Economic Development Board. Mr. Knight said he would like to serve on the Economic Development Board, particularly to encourage film production in the city, but he would be honored to serve in any capacity. Councilmember Lifferth reminded the Council that Mr. Free was also willing to serve. Mayor Jackson stated that he has been considered for the Planning Commission.

Councilmember Ireland expressed appreciation to Mr. Knight, who was in a challenging position because the Mayor and Council became acquainted with Mr. Ochsenhirt during the campaign.

Mayor Jackson noted that it is important to know and get along with other members of the Council. They may disagree, even vehemently, but they need to be able to work together.

## SCHEDULED ITEMS

### MOTION – Consideration and appointment of a candidate to fill the City Council vacancy created by the election of Mayor Heather Jackson

The election of Mayor Heather Jackson created a vacancy on the City Council which was effective January 7, 2008, at noon. A notice of vacancy published in the *Daily Herald* set a deadline for submitting statements of interest, as well as a meeting date and time to fill the vacancy. The deadline for submission of statements of interest was January 28, 2008, at 5:00 p.m. The person appointed to the City Council will serve until January 4, 2010, at noon.

Councilmember Lifferth **moved** to appoint Mr. Nathan Ochsenhirt to the City Council to fill the seat vacated by the election of Mayor Heather Jackson. Councilmember Burnham **seconded** the motion.

Councilmember Cieslak expressed appreciation for both candidates' willingness to serve the city.

Councilmember Burnham expressed appreciation for both candidates. She stated that when she talked to residents about Mr. Ochsenhirt during the election, they repeatedly said how honestly he did construction work for them.

Councilmember Lifferth said there needs to be a way to provide an opportunity for Mr. Free to serve the city. He also said that Mr. Knight would do a great job on the Council, but it would be wrong to go against the voters' support of Mr. Ochsenhirt in the election.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

The oath of office was administered to Mr. Ochsenhirt by City Recorder Fionnuala Kofoed. After receiving the oath of office, Mr. Ochsenhirt took his seat on the Council.

MOTION – Consideration and adoption of Resolution R-01-2008 adopting and approving the 2008 Policies and Procedures Manual

Human Resources Coordinator DeAnna Whitney presented the proposed Policies and Procedures Manual. It has been updated to include new Federal regulations and State statutes. Updates also include an option for employees to decline medical insurance provided by the City. Employees who choose to decline medical insurance must prove that they have insurance through a spouse or are otherwise insured. A dollar amount equal to the medical coverage of a single employee would be placed in a 401K or 457 retirement plan.

Councilmember Ireland stated that many people have put a great deal of work into the manual. He asked if those who prepared the revision of the manual were happy with the results. Ms. Whitney stated that they were happy with the results. The thing to remember was that the manual is always a work in progress and can be amended.

City Attorney Jerry Kinghorn said that he felt the same way. The topics in the manual were reviewed repeatedly and the manual was revised as late as last week. He said Ms. Whitney and Mr. Brems, an attorney in his office who reviewed the manual, have a lot of experience in the personnel area.

Mr. Hendrickson said that he was pleased that the manual was reduced from a very long document to one that was more concise. He was also happy that the manual had received a thorough legal review.

Councilmember Cieslak **moved** to adopt the 2008 Personnel Policies and Procedures Manual. Councilmember Lifferth **seconded** the motion.

Mayor Jackson asked Councilmember Ochsenhirt if he was comfortable voting on the manual. He said that he had reviewed it during the revision process and was comfortable voting on it.

Councilmember Ireland asked if it was permissible to act on the Policies and Procedures Manual, since the meeting had been announced as only covering the mayoral vacancy. Mayor Jackson responded that she had called each Council member to let them know that the agenda would be expanded. Mr. Kinghorn stated that an amended agenda had been posted including the additional items.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

At Mr. Kinghorn's request, Councilmember Cieslak moved to **amend** his motion so as to approve Resolution R-01-2008 adopting the 2008 Personnel Policies and Procedures Manual. Councilmember

Lifferth **accepted** the amendment. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion **passed** with a unanimous vote.

MOTION – Consideration and adoption of Ordinance No. O-02-2008 amending the Employee Appeals Board

Ordinance No. O-02-2008, replacing previous multi-party appeal boards, is provided for in the 2008 Personnel Policies and Procedures Manual. The purpose of the Employee Appeals Board is to satisfy the requirements of Utah Code Ann. §§ 10-3-1105 and 1106. The Board will hear employee grievances through an arbitration process. The Board will conduct a hearing using a neutral arbitrator, investigate and render a written decision to the employee.

Mr. Kinghorn explained that the previous process, involving a Board composed of employees, was unworkable. It damaged morale because employees with a grievance had to continue to work with the employees who served on the Board. Under the new ordinance, the arbitrator would be selected from a list of qualified individuals with membership in the Utah State Bar. The arbitrator would be selected by the Mayor and ratified by the Council. Appeals would be made to the Court of Appeals.

Councilmember Lifferth asked if the new process would expose the City more legal liability than the previous process. Mr. Kinghorn stated it would create less liability because an employee-staffed Board could be affected by employee bias.

Councilmember Ireland asked what the financial impact would be to the City. Mr. Kinghorn responded that it would be less expensive than the previous process. For example, the most recent case required three sessions, requiring a court reporter and employee time for each meeting.

Councilmember Lifferth asked if a budget amendment should be approved for this process. Mr. Hendrickson responded that it would only be required if a appeal case occurred.

Councilmember Cieslak **moved** to adopt Ordinance No. O-02-2008 amending the Employee Appeals Board. Councilmember Ireland **seconded** the motion.

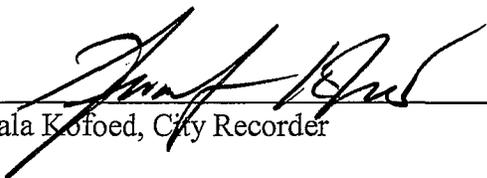
Councilmember Burnham called the question.

Mayor Jackson called for a vote on the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

ADJOURNMENT

Councilmember Cieslak **moved** to adjourn the meeting at 7:35 p.m.

APPROVED BY CITY COUNCIL FEBRUARY 19, 2008

  
Fionnuala Kofoed, City Recorder



**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

February 5, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:05 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Management Analyst; Jason Walker, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant

**DISCUSSION/REVIEW ITEMS**

1. DISCUSSION – Pony Express Days update – Lynn Story, Special Events Coordinator
2. DISCUSSION – Skate park update – Ifo Pili, Management Analyst
3. **AGENDA REVIEW**

The City Council reviewed items on the consent agenda and policy session agenda.

4. **CITY ADMINISTRATOR ITEMS**

Update on sewer treatment facility  
Fire Requirements for Day Care Facilities

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

**Councilmember Lifferth moved to adjourn to a closed executive session at 6:05 p.m. for the purpose of discussing reasonably imminent litigation and the purchase of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.**

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:12 p.m. Tiffany Ulmer led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant

## INFORMATION ITEMS/UPCOMING EVENTS

- Western States Presidential Primary today, 7:00 a.m.–8:00 p.m., Pony Express Elementary
- MAG East/West Corridor open house, February 6, 4:30–6:30 p.m., City Hall
- Town Hall meeting on planned skate park, February 13, 6:00 p.m., City Hall
- Babysitting C.P.R. class, February 20, 6:00 p.m., City Hall, for youth ages 11-17
- Web site launch party, February 21, 7:00 p.m., City Hall
- Senior Advisory Council dinner and movie, February 25, 5:00 p.m., City Hall

## 5. PUBLIC COMMENTS

Ms. Tiffany Ulmer, 1320 Harrier Street, commented on the proposed fencing ordinance, asking why vinyl was not included in the list of preferred fencing materials. She was concerned about allowing four-foot-high fencing in front yards, as she thought it was too high. The yard should be visible through the fence so no one could jump out from behind the fence to assault people walking along the sidewalk. Small children could also dart out from behind a solid fence faster than an oncoming car could stop. On the proposed equine overlay zone, she asked that a requirement for a public/private HOA arena for exercising horses be written into the amendment.

## 6. CITY COUNCIL/MAYOR ITEMS

### CITY COUNCIL COMMENTS

#### Councilmember Burnham

Councilmember Burnham asked the Council to consider creating a method of alerting citizens about events like shutoffs for utility work. She felt neighborhoods should organize for alerts. For instance, her Neighborhood Watch can begin a notification process with one phone call. Neighborhoods should at least have a phone tree. Councilmember Burnham complimented the city's snow plowing crew, but asked whether the budget was being overspent. Mr. Hendrickson responded that plowing was approximately 2% over budget at this point. He expected snow plowing costs to go 20-25% over budget, which will require a budget amendment. The plowing budget had already been increased 25% over last year.

#### Councilmember Cieslak

Councilmember Cieslak mentioned that he requested staff to design a written warranty release form a month ago. He wanted it brought forward as soon as possible to help eliminate verbal agreements. He

appreciated the quality of the city's snow plowing and has noticed that when the Street Department staff is not plowing, they are patching the roads.

Councilmember Ochsenhirt

Councilmember Ochsenhirt expressed appreciation for his appointment to the Council and the opportunity to serve the city.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth noted the passing of Gordon B. Hinckley. He thanked the Street Department for the excellent job they have been doing on snow removal. He works in the Provo/Orem area and Eagle Mountain's snow removal is much better than theirs.

Mayor Jackson

Mayor Jackson asked residents not to park on the street in order to make snow plowing easier. She announced that she will begin holding Mayor's hours on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month from 6:00 – 8:00 p.m. on a first come, first served basis. Residents may make appointments with her, as well. There will be a Town Hall meeting on April 23 at 6:30 p.m. at City Hall with all current elected officials running for re-election. Commissioner Ellertson, Senator Madsen and Representative Sumsion have committed to attend. Mayor Jackson is waiting for a response from Congressman Cannon. Mayor Jackson stated that last Saturday evening she attended the Festival of Hope organized by the neighbors of a thyroid cancer patient in order to help pay her medical bills. She also attended the Lincoln Day dinner, a Republican Party event, at which she was able to talk to the Governor, the Lt. Governor and Congressman Cannon about city issues. She will attend a Mountainland Association of Governments meeting this week. This morning she attended a meeting of the North County mayors and stated that the North County mayors are working well together on transportation and other regional issues.

## CONSENT AGENDA

Councilmember Burnham **moved** to remove the January 22, 2008, City Council minutes from the consent agenda and make it a scheduled item. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

Councilmember Lifferth **moved** to approve the following items on the consent agenda:

8. The number (8) was inadvertently left out.
9. FINAL BOND RELEASES  
O'Fallon's Bluff, Plat D  
O'Fallon's Bluff, Plat E
10. REDUCED BOND LETTER  
Valley View North, Plat B

Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## SCHEDULED ITEMS

*\*\*The minutes were removed from the consent agenda and added to the policy session agenda.\*\**

### MINUTES – Consideration and approval of minutes of the January 22, 2008, City Council meeting

Councilmember Burnham made a correction to the January 22, 2008, minutes regarding the topic discussed by Mr. Rodger Harper, Manager of the North Pointe Solid Waste Special Service District. The draft minutes stated that his topic was city-wide recycling; however, the correct topic was the anti-flow-control bill being considered by the State Legislature. She also made a correction on the discussion of the library interlocal agreement. The minutes stated that the city's original library was in the basement of the fire station; however, there is no basement in the fire station. It was in a room in the fire station.

Councilmember Burnham **moved** to approve the January 22, 2008, City Council minutes as amended. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

### 11. PUBLIC HEARING – Consideration and approval of an amendment to the Development Code regulating fencing

The amendment to the Development Code regulating fencing was presented by Senior Planner Steve Mumford. At the direction of the City Council, Planning Department staff looked into amending the fencing section of the Development Code, specifically to address chain link fencing requirements in industrial areas of the city. The resulting proposal included amendments to the chain link fencing section of Title 1, 12.13, as well as the general fencing provisions found in 12.12 of the Development Code. Specifically, the amendment would permit chain link fencing in industrial areas of the city with certain standards; clarify the requirements for chain link fencing on detached residential lots; prohibit chain link fencing in commercial and multi-family areas; require additional space between sidewalks and fencing for improved maneuverability and aesthetics and clarify some general fencing provisions.

Vinyl-coated chain link fencing, with a maximum of eight feet in height, is proposed for industrial areas. If the fence is visible from the street or parking area, additional landscaping will be required. Solid fencing may be required if outdoor storage is visible.

Commercial fencing would not exceed six feet in height and may not be chain link. Residential fencing would be no higher than six feet in the rear and four feet high between the house and the street. Miscellaneous properties would be reviewed on a case-by-case basis. Recommended materials would be masonry, cedar or decorative iron. Sport courts would be exempt from height restrictions, but such fences would not be permitted along lotlines. Fencing along streets would have to have a four-foot setback to provide adequate room for well-maintained landscaping.

*\*\*Mayor Jackson opened the public hearing at 7:40 p.m.\*\**

Ms. Tiffany Ulmer, 1320 Harrier Street, asked the Council to specify whether existing fences which do not comply with the amended standards would have to be removed or rebuilt. She pointed out that a four-foot setback is where utility lines are located. She asked whether fences along the sides of

properties would be able to extend to the sidewalk or whether they would be required to have a four-foot setback.

Mr. Nate Shipp, Development Associates, supported the ordinance, saying a master planned community is helped by having a reliable standard.

*\*\*Mayor Jackson closed the public hearing at 7:43 p.m.\*\**

Councilmember Ireland recommended that section 12.12.9, listing recommended fencing materials, be deleted.

Mr. Spencer asked the Council if they were comfortable with a four-foot setback. Mr. Hendrickson said staff will find out whether it would interfere with utility easements.

Mr. Adam Ferre, Energy Division Manager, stated that a fence built on an easement is not a problem if the resident calls Blue Stakes and has the area properly marked. The problem arises when residents build fences without leaving access to utility boxes. The code requires ten-foot clearances at the front and back of utility boxes and three feet on either side. Mr. Ferre said State law requires landowners to have their land marked by Blue Stakes before digging.

Councilmember Lifferth asked if the ordinance should specify a recommended depth of digging. Mr. Ferre said utility lines are installed at specific depths, but lots may be leveled after the utilities are installed.

Councilmember Cieslak said the ordinance would not affect existing fences. However, Mr. Hendrickson pointed out that it would apply to fences which are rebuilt after the ordinance is adopted.

Mr. Kinghorn asked what the setback standard was in The Ranches CC&Rs. He wondered if setting a different standard in the Development Code would require builders to deal with conflicting standards. Mr. Mumford said he believed most areas of The Ranches required a three-foot setback.

Councilmember Lifferth asked if this amendment would conflict with State standards. Mr. Kinghorn responded that this is not a taking, it is a land use regulation.

This was a discussion item which was not voted on at this meeting. After receiving comments from the Council and the public, an ordinance will be written and presented to the Council at a future meeting.

12. PUBLIC HEARING -- Consideration and approval of an amendment to the Development Code for an equine overlay zone

The amendment to the Development Code for an equine overlay zone was presented by Senior Planner Mike Hadley. The purpose of the equine overlay zone is to provide a mechanism to designate specific areas within the city for equestrian uses and to allow for activities not normally permitted by existing zoning. Another goal is to address the uniqueness of horses in residential zones in a manner that is conducive to existing and eventual development in the city.

The setbacks in the proposed zone comply with tier one and base density requirements, with the addition of a 35-foot setback from the house or patio to the equine area.

Equine animals are horses, mules, donkeys and llamas. The overlay zone would allow a maximum of two equine animals on a half-acre or one-acre lot. There would be no other changes to existing livestock standards.

Councilmember Cieslak asked if there would be a minimum amount of land required per animal. Mr. Hadley responded that the equine overlay zone would require 660 square feet per animal.

*\*\*Mayor Jackson opened the public hearing at 8:06 p.m.\*\**

Mr. Fran Fillerup, SITLA, said SITLA supports equine use in the city; however, it does not support equine rights on half acre lots. He spoke to Mr. Dean Miner and Mr. Scott McKendrick of the USU Extension Service, who stated that small horse areas would require all feed to be brought in. It requires one acre of irrigated land to allow a horse to graze without extra feed. Half an acre also does not allow a horse sufficient room to exercise. He agreed with Ms. Ulmer's comment that an equine overlay zone should include an amenity where horses can be exercised and added that it should connect with the Pony Express Trail.

Mr. Clint Chidester, 1113 Waddell Street, stated that this amendment is a slight improvement over the current ordinance. Nearby communities allow large animals on half-acre lots. Without secondary water, irrigated pasture is a moot point. Feed has to be brought in. Horses will only exercise when their owners exercise them. He encouraged Council to revisit the entire existing ordinance. He felt animal rights are inherent in land ownership unless specifically prohibited. Animal rights are a selling point in this area. He also pointed out that pre-built corral fencing panels are made five feet high.

Ms. Donna Milakovic suggested the Council consider what types of fencing, such as corral fencing or electrical fencing, would be allowed on half acre lots and whether it would affect neighbors.

*\*\*Mayor Jackson closed the public hearing at 8:16 p.m.\*\**

Mayor Jackson noted that one of the purposes of the amendment was to give back property rights taken from residents in Overland Trails. It also solves the nuisance issue of flies from animal lots bothering neighbors without animal rights.

Councilmember Ireland said a large lot in a smaller-lot neighborhood, according to current ordinance, could have horses, which is a mismatch. The issue is not the lot size, it is the nature of the subdivision. People who do not like flies and the smell of manure will know not to buy in an equine neighborhood. He strongly supported the amendment.

Councilmember Ochsenhirt asked whether there was language creating an adequate buffer zone between animal rights and non-animal-rights areas. Mr. Spencer said the city's nuisance ordinance addresses odors, flies, runoff, etc.

Councilmember Ochsenhirt said non-animal lots could abut animal lots, which could create issues. He thought there should be something to prevent a lot with animal rights from abutting one without animal rights.

Councilmember Ireland said Overland Trails and Equestrian Estates have horse trails around their perimeters, which would prevent lots with animal rights from abutting those without animal rights.

Mr. Spencer said the overlay zone could not establish a buffer zone when the ordinance does not. It would have to be changed by ordinance.

Mayor Jackson asked whether a perimeter trail could be required as a subdivision amenity.

Mr. Kinghorn pointed out that future subdivisions could be required to have open space buffers as part of the development approval process. The buffering problem being discussed is created when an equine overlay zone is applied to an existing development, possibly creating conflicts with adjoining properties. The overlay zone designation is discretionary and can be denied by the Council.

Mr. Hendrickson stated that the amendment did not address the required setback from adjacent lots or adjacent habitable dwellings. Mr. Hadley said the requirement was in the draft that went before Planning Commission, but they questioned whether an ordinance could control setback from perimeter or a building on another lot. Mr. Hendrickson responded that that was done in another community he worked in. A minimum distance can be required between habitable buildings on adjacent lots.

Councilmember Lifferth said an injustice was done when animal rights were removed from residents on half-acre lots and this amendment is designed to correct that.

Mayor Jackson brought up the issue of corral panels being built at five feet high. Councilmember Ireland suggested that fences be from five to six feet high.

This was a discussion item which was not voted on at this meeting. After receiving comments from the Council and the public, an ordinance will be written and presented to the Council at a future meeting.

Councilmember Cieslak expressed appreciation for the public comments providing various points of view.

Councilmember Ireland & Mayor Jackson expressed appreciation for staff's work on the ordinance.

13. ORDINANCE – Consideration and approval of Ordinance 03-2008 amending and re-enacting Ordinance 23-2006 providing for the organization of the Youth City Council

An ordinance organizing the Youth City Council was presented by Mayor Jackson. This ordinance amends Ordinance O-23-2006, which provides for the organization of a Youth City Council, changing the age requirement from seventh grade to ninth grade. After changing the minimum age to 7<sup>th</sup> grade in 2006, the City found that there was little participation from 7<sup>th</sup> and 8<sup>th</sup> graders. Also, most activities for city youth councils are designed for 9<sup>th</sup> to 12<sup>th</sup> graders.

Mr. Kinghorn indicated that some recent changes had been made in the ordinance, changing the election dates to September. A revised ordinance was distributed to Council members.

Councilmember Cieslak **moved** to adopt Ordinance O-03-2008 providing for the organization of the Youth City Council. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

14. RESOLUTION – Consideration and approval of Resolution R-02-2008 adopting and approving an emergency operations plan

A resolution adopting an emergency operations plan was presented by Fire Chief Rand Andrus. The plan has been in draft form since the end of 2005. Adoption of the plan will allow City government to be better prepared to meet the needs of city residents during emergencies. Adopting the plan will also make the City eligible to apply for grants for emergency management. Eagle Mountain City's plan was created to be dovetailed into the Utah County Emergency Plan as well as the State of Utah's plan.

Councilmember Ireland **moved** to approve Resolution R-02-2008 adopting an emergency operations plan. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

15. MOTION – Consideration and approval of the Saddle Junction master site plan and final plat

The Saddle Junction master site plan and final plat were presented by Planning Director Peter Spencer. Saddle Junction will be located on the southwest corner of Ranches Parkway and S.R. 73. The Maverik gas station/convenience store currently under construction is located on the property. A master site plan review addresses issues such as land use, landscaping, architecture, parking, overall utilities and traffic circulation. This allows for a comprehensive and thorough review of a future commercial site. Once the master site plan is approved, the City Council may elect to grant the Planning Commission final approval authority for sequential site plans as they come forward.

In addition to the gas station, businesses expected to locate in Saddle Junction include a car wash, fast food restaurant, financial building and two retail stores. There will also be a seminary building adjacent to Rockwell Charter High School, which will be fenced off from the commercial operations. Outdoor elements include decorative light fixtures, rough-hewn timber, cultured stone, rock or brick and a rustic appearance. The development will be built in phases. The Planning Department has determined that there is adequate distance between the high school and seminary buildings and the commercial buildings, including those which sell liquor.

The City's signage ordinance requires an overall monument sign for each commercial development with room to list every establishment in the development. The proposed monument sign will be ten feet tall by 13 feet wide. It would be located in the City's right of way, which would require the developer to execute a commercial sign lease. Both City staff and the Planning Commission recommend that the City Council allow future site plans at this location to be approved at the Planning Commission level, as long as they comply with this master site plan

Mr. Kinghorn asked Mr. Shipp if this action is a final plat approval. Mr. Shipp said it was. Mr. Kinghorn asked if there were any public roads in the development. Mr. Shipp said there were not. Mr. Kinghorn said approving the final plat would not create a signage requirement. Lots along Ranches Parkway would have different requirements than the other lots.

Mayor Jackson noted that a question being answered is whether the City Council will retain approval authority or if the Planning Commission will be allowed authority to approve future plats.

Mr. Shipp pointed out that, as more commercial projects are brought for approval, the Council may want to consider changing the sign ordinance to allow well-designed electric signs rather than back-lit marquee signs.

Councilmember Ireland was concerned that the Council be careful to apply ordinances as written.

The Council and the applicant discussed signage and traffic issues in detail.

Councilmember Ireland **moved** to approve the Saddle Junction master site plan and final plat subject to the following conditions:

1. Planning Conditions
  - a. EASEMENTS. That the plat have the appropriate easement language as noted on the redlines and in the staff report.
  - b. MISC. REDLINES. That the remaining redlines be addressed and approved.
  - c. SCHOOL REGULATIONS. That all State statues and City ordinances be followed, with the required distances from commercial businesses to public institutions maintained.
2. Engineering/Public Works
  - a. WATER & SEWER DESIGN. That an additional 8" main to feed lot #5 & #7 with the appropriate manholes be provided and shown on the plans. That the sewer draining on the south end of the project discharge as per the City Engineer's approval.
3. Fire
  - a. HYDRANTS. That two fire hydrants be added to lot 103 and one to lot 105.
  - b. FAST FOOD. That a type 1 hood be required for the fast food operation.
  - c. LOCK BOXES. That all commercial buildings be required to have a lock box.
  - d. REDLINES. That various other redlines be approved.
4. Landscaping
  - a. PARKING ISLANDS. That the required landscaped islands with trees be added as per the redlines.
  - b. BUFFER. That the required buffers around the automotive site be provided.
  - c. FENCING. That six-foot privacy fencing between the future seminary building and the automotive and second retail sites be provided.
  - d. BERMING. That a 3.5-foot berm be provided along the northern boundary of the project.
  - e. SIGNAGE. That irrigated landscaping be provided around any monument signage.
  - f. PLANS. That a color plan be submitted and approved by the City.
5. Reviews
  - a. That future reviews be made by the City Council
6. Signage
  - a. That signage match that of CARisma car wash.
  - b. That each lot may have a monument sign.

Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

16. MOTION – Consideration and approval of the CARisma car wash site plan

The CARisma car wash site plan was presented by Planning Director Peter Spencer. CARisma car wash will be located south of the Maverik gas station and convenience store near the entrance to The Ranches. The applicant is proposing a 3,461-square-foot commercial building consisting of five car wash bays: three self-serve and two automatic. The total site area is approximately 1.25 acres in size.

The Council and applicant discussed signage, traffic and water use in detail.

Councilmember Ireland **moved** to approve the CARisma Car Wash site plan, subject to the following conditions:

1. SIGNAGE. That the applicant enter into a sign lease agreement with the City for a monument sign as specified in the staff report located no closer than 25 feet from the east property boundary of Ranches Parkway.
2. UTILITY DEMANDS. That the storm drain calculations be verified by the City Engineer.
3. LANDSCAPE PLAN. That the landscape plan redlines be addressed and approved by City staff. This includes the required berming and irrigation, as noted in the staff report.
4. SCREENING. That the screening detail of the proposed dumpster be submitted.
5. SNOW STACKING. That there be snow stacking capacity of a 4" base over the entire parking lot, to be shown on the plans.
6. FIRE CODE. That a lockbox be required on the exterior of the building.
7. SUBMITTED PLANS. That all redlines be addressed and approved by City staff.

Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

17. MOTION – Consideration and approval of adoption of Resolution R-03-2008 authorizing the issuance and sale of not more than \$4,750,000 aggregate principal amount of water and sewer revenue bonds, series 2008, of Eagle Mountain City, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of bonds to be issued; providing for the running of a contest period; and related matters

Resolution R-03-2008 authorizing the issuance and sale of revenue bonds and related matters was presented by Mr. Hendrickson. The bonds are expected to be used to purchase property for the future expansion of the sewer treatment plant. The costs may be recouped over the long term through impact fees charged to users of the treatment plant.

Councilmember Cieslak **moved** to approve Resolution R-03-2008 authorizing the issuance and sale of not more than \$4,750,000 aggregate principal amount of water and sewer revenue bonds, series 2008, of Eagle Mountain City, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the publication of a notice of bonds to be issued; providing for the running of a contest period; and related matters. Councilmember Burnham **seconded** the motion.

Mr. Hendrickson stated that this is a 30-year bond not to exceed 6% interest. At the moment the interest rate is approximately 4.55%.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## CITY ADMINISTRATOR ITEMS

Mr. Hendrickson asked Public Works Director Chris Trusty for an update on the progress of the wastewater treatment plant. Mr. Trusty reported that bypass pumping is in progress. The Huber screen

should be installed this week. -The EPA has notified the City that it approved Findings of No Significant Impact and directed the City to publish the report. City staff noticed some errors in the FONSI, which they will point out to the EPA. Contractors will be pre-qualified so that bid proposals can be processed quickly in March and April. The treatment plant project is on schedule.

Councilmember Lifferth asked how the heavy snow this winter has affected the flows to the treatment plant and lagoon storage space. Mr. Trusty said the lagoons are fairly low and land application is minimal.

Mr. Hendrickson asked Chief Andrus to explain the City's requirements for preschools. Chief Andrus explained that the fire code requires that care of more than four children over 2.5 years old be regulated under school occupancy requirements. Chief Andrus asked the State Fire Marshal about preschool standards. The Fire Marshal responded that the fire code classifies residential preschools as day care centers, type one or type two depending on the number of children. Day care centers must have secondary access. Children younger than 2.5 years old must be cared for on grade, not above or below grade. Licenses granted under the previous Uniform Fire Code were grandfathered in, but any new or changed application must meet the International Fire Code Standards.

Mr. Hendrickson announced that Chief Andrus applied for a grant which would partially fund salaries and benefits for additional firefighters over five years, after which the City would take over full responsibility for funding. Because the city is growing, the fire fighters are needed; however, the Council would have to approve the funds expended as the City's part of the agreement and Mr. Hendrickson has to review the City budget to make sure the City can meet the expenses:

Mr. Hendrickson told the Council that the City's revenues are higher than expected. However, expenditures are higher than expected, as well. Approximately \$95,000 was paid to the County in overdue property taxes. The City will protest those taxes.

Mr. Hendrickson said the City has asked its lobbyist to work on four items: Pony Express, a water storage tank and distribution, funding to expand the library and fire station funding.

## **CITY COUNCIL/MAYOR'S BUSINESS**

### Councilmember Burnham

Councilmember Burnham had no comments.

### Councilmember Cieslak

Councilmember Cieslak had no comments.

### Councilmember Ireland

Councilmember Ireland had no comments.

### Councilmember Lifferth

Councilmember Lifferth had no comments.

### Mayor Jackson

Mayor Jackson stated that Council members have received copies of several government building use regulations. She would like those to be reviewed so Eagle Mountain's building use ordinance can be discussed on February 19<sup>th</sup>. She also said the Council would be receiving an email with possible times

for a budget meeting. She asked them to let her know what times would work for them so the meeting could be set up.

**ADJOURNMENT**

Councilmember Cieslak **moved** to adjourn the meeting at 10:21 p.m.

APPROVED BY CITY COUNCIL FEBRUARY 19, 2008

  
\_\_\_\_\_  
Fionnuala Kofod, City Recorder



**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

February 19, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:07 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (participated telephonically), Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Jeff Thompson, Plans Examiner; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant; Cory Wride, Sergeant

**DISCUSSION/REVIEW ITEMS**

1. EMPLOYEE RECOGNITION – Kurry Lewis, Completion of Lineman Certification
2. DISCUSSION – Building Use Ordinance

Councilmember Lifferth stated that City Hall should be available to those who paid for it, i.e., the taxpayers. Due to the lack of meeting space in Eagle Mountain, the City should be especially flexible in meeting residents' needs. He suggested that the ordinance begin with a statement that it was not designed to discourage public use of the building.

Mayor Jackson said building use needed to be restricted as to time, place and manner. She noted that the building use policy for the State Capitol lists priorities, with top priority going to legislators. The City Council should have priority for the use of City Hall. In an emergency, City government meetings should pre-empt any other previously-scheduled use.

Councilmember Burnham stated that one building use policy she reviewed charged no fee for certain government-related activities outside of city government. She was impressed by Provo City's tier system: city government functions have first priority, with other uses prioritized through several levels.

Mayor Jackson said the City recently received a request for use of the building for church services on Sundays. She asked Mr. Kinghorn how the City should respond to requests for religious uses.

Mr. Kinghorn responded that dealing with religious uses brings up two issues: the First Amendment and the Establishment of Religion Clause. The City Council should decide how they want the building used, then Mr. Kinghorn will write an ordinance accommodating those uses while protecting the City from

litigation. The ordinance will establish a limited public forum setting priorities for use, the areas to be used and the times use will be permitted.

Discussion ensued on what areas the public would be permitted to use. The City Council chamber, lobby, restrooms, library, patio and kitchen were discussed. It was suggested that library use should be limited to library-sponsored activities in order to protect materials and equipment. The City Librarian is very willing to consider new activities suggested by residents. Possibilities suggested by the Council were computer classes and merit badge classes.

Allowing use of the kitchen would create security issues because of its access to the rest of the building, as well as cleaning problems due to groups wanting to serve refreshments.

Mr. Kinghorn stated that Centerville's ordinance includes a good list of permitted uses, building areas, activity types, reservation procedures, eligibility criteria, payment of fees and deposits, dispute resolution, conduct in the building and prohibited conduct. It also said no fees were to be collected or tickets sold during activities. Eagle Mountain's ordinance should add that groups should be "comprised of Eagle Mountain residents."

Fees and cleaning deposits were discussed. It was suggested that rental fees include a refundable cleaning bond. Centerville's ordinance includes a \$20 nonrefundable cleaning fee for events with food and charges a much lower rental fee for events without food. Fees should also include the cost of a City staff member to supervise activities held after normal business hours.

Building use would be scheduled by the Executive Receptionist. Any conflicting requests would be decided by the Mayor or her designee. The receptionist would also notify the Sheriff's Office and Fire Department of times when the building would be in use. The rules for building use will be posted on the City's website.

Mayor Jackson summarized that Eagle Mountain City's building use ordinance will be based on Centerville's ordinance, with items from Provo's ordinance and State Capitol policies. Requests have come from Girl Scout troops, homeowners' boards & a church. Requests would likely also come from groups such as political parties, civic organizations and Boy Scout troops.

## **AGENDA REVIEW**

3. The City Council reviewed items on the consent agenda and policy session agenda.

## **CITY ADMINISTRATOR INFORMATION ITEMS**

4. Update on the sewer treatment facility – Chris Trusty, Public Works Director

## **ADJOURN TO A CLOSED EXECUTIVE SESSION**

Councilmember Lifferth **moved** to adjourn to a closed executive session at 6:09 p.m. for the purpose of discussing the deployment of security personnel, devices or systems, reasonably imminent litigation and the purchase of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## 7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Heather Anne Jackson called the meeting to order at 7:16 p.m. Adam Edwards led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (participated telephonically), Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant

### INFORMATION ITEMS/UPCOMING EVENTS

- Town Hall meeting regarding plans for a skate park, February 27, 6:00 p.m.
- Website launch party, February 21, 7:00 p.m.

### PUBLIC COMMENTS

5. Time was set aside for the public to express their ideas, concerns and comments.

Ms. Tiffany Ulmer, 1320 Harrier Street, spoke concerning the proposed fencing amendment to the Development Code. She was concerned that the amendments did not specify what kinds of trees would be allowing in the three-foot-wide landscaping strip. She also wondered if permitted landscaping included xeriscaping. She showed examples of existing fencing in support of fencing shorter than four feet for child safety. She didn't think it was a good idea not to specify permitted fencing materials. On another topic, she requested that City Council meetings begin on time.

### CITY COUNCIL/MAYOR ITEMS

6. CITY COUNCIL COMMENTS

#### Councilmember Burnham

Councilmember Burnham was grateful for the wonderful job the City plowing crews are doing, especially during last week's major storm.

#### Councilmember Cieslak

Councilmember Cieslak expressed appreciation to the Recorder's Office for enabling him to participate in the meeting by phone. He echoed Councilmember Burnham's praise of the snow plowing crews. He stated that roads entering and exiting the city need to be increased.

#### Councilmember Ochsenhirt

Councilmember Ochsenhirt praised City staff for the heroic efforts City staff made last week to keep residents informed of situations created by last week's snow storm. He looked forward to working with local cities to force the issue of inadequate roads.

### Councilmember Ireland

Councilmember Ireland asked that the City take advantage of the public awareness of transportation needs created by the storm.

### Councilmember Lifferth

Councilmember Lifferth commended residents and staff for their effective response to the problems created by the storm. This was one of the worst storms in the history of the city. He recommended that a commendation be created for the businesses that provided shelter to stranded motorists. After the storm, he asked Chief Andrus what the worst injuries were and the Chief said they were minor. He suggested that the City respond appropriately to natural disasters, citing the West Desert pumps that were installed by the State during a flood year and have never been used. Regarding taxes, he said Utah State and Utah County have been very effective in collecting road and gas taxes, but ineffective in applying them to transportation needs.

### Mayor Jackson

Mayor Jackson explained the City's response to the storm. She said that, as information came in, the City disseminated the information as well as they could. Efforts are being made to improve emergency communication with residents. She asked the reporters present to place stories in the newspapers they write for describing the City's response to the storm. Because of the planned Town Hall meeting that evening, several staff members were at City Hall after business hours. Emergency crews responded to the initial accidents. Plow crews cleared city streets and then assisted in plowing closed roads outside the city. The storm demonstrated a lack of emergency communication between Eagle Mountain and Saratoga Springs, so a meeting was held this morning to address that issue.

The State plans to have roads constructed for additional access to the city by 2015. This is unacceptable, so Mayor Jackson is contacting the press and has scheduled a meeting in Washington, D.C., to discuss ways to accelerate funding for the extension of Pony Express Parkway through Saratoga Springs to Redwood Road. The Tenth South corridor through Lehi is already funded and will begin construction in 2009. She asked for help from residents to contact federal and state legislators and UDOT by letters, emails and phone calls.

## 7. ECONOMIC DEVELOPMENT BOARD APPOINTMENTS

### BOARD APPOINTMENT – Adam Edwards

Mayor Jackson recommended the appointment of Mr. Adam Edwards to the Economic Development Board. Councilmember Lifferth **moved** to approve the appointment of Mr. Adam Edwards to the Economic Development Board for a term of two years. Councilmember Burnham **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

### BOARD APPOINTMENT – Anthony Knight

Mayor Jackson recommended the appointment of Mr. Anthony Knight to the Economic Development Board. Councilmember Cieslak **moved** to approve the appointment of Mr. Anthony Knight to the Economic Development Board for a term of one year. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

### BOARD APPOINTMENT – Royce Van Tassell

Mayor Jackson recommended the appointment of Mr. Royce Van Tassell to the Economic Development Board for a term of three years. Councilmember Ochsenhirt **moved** to approve the appointment of Mr. Royce Van Tassell to the Economic Development Board. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

The oath of office was administered to Mr. Edwards, Mr. Knight and Mr. Van Tassell by City Recorder Fionnuala Kofoed.

## CONSENT AGENDA

Councilmember Cieslak **moved** to approve the following items on the consent agenda:

8. MINUTES  
January 31, 2008 – Special City Council Meeting  
February 5, 2008 – Regular City Council Meeting
9. FINAL BOND RELEASE (entering warranty period)  
Pioneer Addition landscape bond
10. FINAL CITY ACCEPTANCE (release from warranty)  
The Ranches Business Park  
Liberty Farms  
Rockwell Village  
Castle Rock  
Chimney Rock  
North Ranch storm drain
11. SITE PLAN APPROVAL  
Valley View LDS church site plan

Councilmember Burnham **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## SCHEDULED ITEMS

12. PUBLIC HEARING – Consideration and adoption of Ordinance 04-2008 rezoning 19.294 acres owned by The Glen E. Smith Partners from agricultural use to commercial use

Planning Director Peter Spencer presented the proposed rezone ordinance. This ordinance amends the Eagle Mountain zoning map from agricultural to commercial for approximately 19.3 acres of land located north of S.R. 73 and the Mt. Airey Village town homes in The Ranches. This rezone request complies with the City's Future Land Use map, which designates this property Mixed Use Commercial. The Commercial zone allows for nearly all types of retail and office development, including shopping centers, restaurants, banks, etc. No industrial or warehouse space would be permitted. The proposed commercial zoning is compatible with the area and future plans for surrounding properties. The proposed zoning change was presented to the Planning Commission on January 29, 2008. The Planning Commission recommended approval to the City Council.

*\*\*Mayor Jackson opened the public hearing at 7:48 p.m. Hearing no comments, she closed the hearing.\*\**

Councilmember Ireland **moved** to adopt Ordinance 04-2008, rezoning 19.294 acres of land from agricultural to commercial use. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

13. MOTION – Consideration and award of bids for the pre-purchase of equipment for 2008 well projects

The proposed bid awards were presented by Public Works Director Chris Trusty. The City contracted with Stanley Consultants to design the upgrades to well sites 1 and 2 and to design new well buildings for wells 4 and 5. In order to complete the construction of the projects in a timely manner, some of the equipment needs to be pre-purchased, due to delivery times of eight to twelve weeks. Bids would be awarded to the following: Nickerson Company for pumps and motors, \$205,255.00; Royal Wholesale Electric for electrical equipment for motor control units, \$157,900.00; and US Air Conditioning Distributors for HVAC equipment, \$6,758.00.

Councilmember Burnham **moved** to award a bid for the pre-purchase of equipment for 2008 well projects to the following: Nickerson Company for pumps and motors, \$205,255.00; Royal Wholesale Electric for electrical equipment for motor control units, \$157,900.00; and US Air Conditioning Distributors for HVAC equipment, \$6,758.00, for a total of \$369,913.00. Councilmember Cieslak **seconded** the motion.

Councilmember Cieslak expressed appreciation to the Public Works Department for creating redundancy in the water system to prevent the water shortages of recent summers. Mayor Jackson explained the current well construction activities to the residents.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

14. MOTION – Consideration and adoption of Ordinance 05-2008 amending and re-enacting Title 1, Chapter 12, of the Development Code regarding landscaping, buffering, fencing and transitioning

Planning Director Peter Spencer presented the proposed amendments to the Development Code. A public hearing was held at the February 5, 2008, City Council meeting to discuss amendments regarding landscaping, buffering, fencing and transitioning. This ordinance adopts the proposed amendment to the fencing standards. The proposed ordinance was amended in response to comments from the public and Council. Requirements for height of fencing were relaxed, the setback for fencing along sidewalks was reduced to three feet and the section on recommended materials was stricken. Language requiring Blue Staking prior to any fence construction was added.

Councilmember Burnham asked if the ground cover required in the ordinance included rock or xeriscaping. Mayor Jackson asked if certain types of trees would be required. Mr. Spencer said there was no regulation in the Development Code, but it was expected that residents would use common sense in planting trees. Mayor Jackson asked if recommendations on trees and ground cover would be included in the master parks and trails plan. Mr. Spencer responded that there would.

Councilmember Ireland **moved** to adopt Ordinance 05-2008, amending and re-enacting Title 1, Chapter 12, of the Development Code regarding landscaping, buffering, fencing and transitioning. Councilmember Lifferth **seconded** the motion.

Councilmember Burnham requested that the height requirement for fencing along streets be reduced to three feet or lower to improve appearance and child safety. Councilmember Ireland pointed out that the ordinance required a clear vision triangle, no matter what height the fence is.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

15. ORDINANCE – Consideration and adoption of Ordinance 06-2008 enacting and establishing an equine overlay zone

An ordinance establishing an equine overlay zone was presented by Planning Director Peter Spencer. A public hearing was held at the February 5, 2008, City Council meeting to discuss the proposed amendment to the Development Code establishing an equine overlay zone. This ordinance enacts the overlay zone, which will enable proposed equestrian developments, or existing developments without animal rights, to comply with City code and allow the use and ownership of horses or other equine animals. The ordinance presented this evening includes modifications in response to comments made at the last meeting. The minimal height for corral fencing was reduced from six feet to five feet. The acreage requirement was removed because it repeated information already in the animal use table. An approval process was added, as well as authority for the Planning Commission or City Council to make additional requirements for approval of the equine overlay zone designation. The designation can range from running along a property line to covering an entire subdivision. However, Mr. Spencer recommended that the City avoid spot zoning and apply the overlay only to large areas. Councilmember Ireland said that the intention was to the zone to apply to a neighborhood at least.

This ordinance restores some animal rights which were taken away several years ago. The Council plans to restore further animal rights.

Councilmember Ireland **moved** to adopt Ordinance 06-2008, enacting and establishing an equine overlay zone. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

16. RESOLUTION – Consideration and approval of Resolution 03-2008 amending the Consolidated Fee Schedule

A resolution amending the consolidated fee schedule was presented by City Administrator John Hendrickson. The Consolidated Fee Schedule will be amended to increase the nonresident library fees, amend fees for natural gas and electric infrastructure subdivision design and amend fees for labor and equipment used for repair of infrastructure damaged during construction. The library fee is being increased to make it equivalent with nonresident fees of the other libraries included in the interlocal cooperation agreement. The design fee reflects costs to the city for contracted design of subdivision utility systems. The repair fee covers the City's costs for repair of utility infrastructure by developers or other parties. Most fees have been lowered to better reflect the City's actual costs.

Councilmember Burnham **moved** to adopt Resolution 03-2008, amending the Consolidated Fee Schedule to increase the nonresident library fee, amend fees for natural gas and electric infrastructure subdivision design and amend fees for labor and equipment used for repair of infrastructure damaged during construction. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

#### CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth appreciated the cooperation of the Council in completing this evening's work.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked Ms. Ulmer for her public comments.

Councilmember Cieslak

Councilmember Cieslak thanked Ms. Ulmer for her comments and expressed appreciation to City staff for the work they do for the residents. He apologized for being out of town this evening.

Councilmember Burnham

Councilmember Burnham thanked Mayor Jackson for acting on the Economic Development Board.

Mayor Jackson

Mayor Jackson mentioned that during the storm, many City staff were at City Hall until 11:00 p.m. In addition, one staff member volunteered to forward City phones to her cell phone and answered calls until 3:30 a.m., starting again at 5:15 a.m. Regarding the City budget, she reminded the Council that the first budget retreat is scheduled for Friday, February 29, from 4:00 to 8:00 p.m.

#### CITY ADMINISTRATOR ITEMS

Mr. Hendrickson commented on the importance of Neighborhood Watch. He thanked Ms. Ulmer for her efforts for that program. He commended City staff, especially the Public Works Department, for the dedicated work they did during the snow storm.

#### ADJOURNMENT

Councilmember Cieslak **moved** to adjourn the meeting at 8:20 p.m.

APPROVED BY CITY COUNCIL MARCH 4, 2008

  
Fionnuala Koford, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

March 4, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:07 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. Councilmember David Lifferth was excused from the work session. He arrived at 6:15 p.m. and was present for the closed session.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Cory Wride, Sergeant

**DISCUSSION/REVIEW ITEMS**

1. PRESENTATION – Central Utah Water Conservancy District
2. PRESENTATION – Bike park plan – Darren Garrett, Ranches HOA
3. DISCUSSION – Parks and Recreation Advisory Board ordinance  
– John Hendrickson, City Administrator
4. **AGENDA REVIEW**

The City Council reviewed items on the consent agenda and policy session agenda.

5. **CITY ADMINISTRATOR INFORMATION ITEMS**

Update on the sewer treatment facility – Chris Trusty, Public Works Director

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

Councilmember Cieslak **moved** to adjourn to a closed executive session. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

The City Council adjourned to a closed executive session at 6:12 p.m. for the purpose of discussing reasonably imminent litigation and the purchase of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

## **7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:17 p.m. Boy Scout Troop 1084 presented a color guard and led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Mike Hadley, Senior Planner; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Cory Wride, Sergeant.

### **INFORMATION ITEMS/UPCOMING EVENTS**

- Miss Eagle Mountain Pageant, Saturday, March 15, 7:00 p.m., tickets are \$5.00.
- City website will be online March 18.
- Easter Egg Hunt, Saturday, March 22, 10:30 a.m., Nolan Park.
- Discount Grizzlies tickets for the April 5<sup>th</sup> game are on sale at City Hall \$18.00 for center ice and \$10.00 for corner ice. A portion of the price will be donated to the “Home for a Hero” program.
- Youth Council applications are being accepted. The first meeting will be held on March 26.

### **6. PUBLIC COMMENTS**

Ms. Wendy Baggaley, 1467 Hawk Way, said that she was the precinct chair for the Eagle Mountain Republican Party 4<sup>th</sup> precinct. She requested that no City open houses be held on March 25, when caucus meetings will be held. Republican Party meetings will be held at the Ranches Academy. She asked that information on the meeting schedule be listed on the City web site and in the newsletter. This year is especially important, because this November’s voting will determine the number of delegates each precinct gets for the next four years. The more delegates are assigned to Eagle Mountain, the more candidates pay attention to our concerns. Many residents have worked hard on the party process and established relationships with Party leaders. On another topic, emergency preparedness has become an urgent issue due to the recent storms and floods. She suggested that the City stock up on emergency supplies in small amount at a time, so that they don’t impact the budget too much. She thanked the Council for their work and the forward motion the city is making.

Ms. Mary Lynn Christensen, The Landing, stated that recently old pipe was replaced. Some of the old pipe is still there and she requested that the pipe be removed from the site.

### **CITY COUNCIL/MAYOR ITEMS**

### **7. CITY COUNCIL COMMENTS**

Councilmember Cieslak

Councilmember Cieslak encouraged residents to support Eagle Mountain businesses. He expressed appreciation for the businesses which have chosen to locate here. He thanked the two residents who made public comments, saying that public participation is what government is about. The Council's job is to act on those comments. He thanked the Scout troop who provided this evening's flag ceremony. He asked that the City continue to focus on working with sister cities to get additional access roads.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked City Management Analyst Ifo Pili for his work on the skate park and economic development. He also commended public safety workers, especially for their efforts during the recent snow and flood emergencies.

Councilmember Ireland

Councilmember Ireland thanked the youth who attended this meeting.

Councilmember Lifferth

Councilmember Lifferth expressed appreciation for the meeting attendees and those who volunteer for the city.

Councilmember Burnham

Councilmember Burnham reiterated Councilmember Lifferth's comments. Volunteers and board appointees help solve problems instead of complaining about them. She said that some of the emails she's recently received have been positive regarding the City government.

Mayor Jackson

Mayor Jackson said March 25, the night of the caucus meetings, is a Planning Commission meeting. She suggested that as much work as possible be done at the meeting next week, so the Planning Commission can either cancel the meeting on the 25<sup>th</sup> or make it as short as possible. The Water Department will be reminded to remove the pipe in The Landing. City government has already had discussions on preparedness. The plan is to stock gas cans and sandbags. There will also be emergency drills in cooperation with emergency drills being done by local churches. She thanked the volunteers who helped during the floods, filling sandbags. Mayor Jackson will be in Washington, D.C., tomorrow to talk with Utah's federal delegation. SS will go with and attend the same meetings. Lehi and the Mountainland Association of Governments will be there, as well, to discuss the same issues. She hopes to have a combined City Council meeting with Saratoga Springs in the near future. The City will also work with Cedar Fort and Fairfield. While Mayor Jackson is out of town this Wednesday through Monday, Mayor Pro Tem David Lifferth will take care of any urgent matters.

8. BOARD APPOINTMENTS

Economic Development Board – Ms. Susan Vanderhoef

Mayor Jackson recommended the appointment of Ms. Susan Vanderhoef to the Economic Development Board. Councilmember Lifferth **moved** to approve the appointment of Ms. Susan Vanderhoef to the Economic Development Board. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

Economic Development Board – Mr. Chris Pengra

Mayor Jackson recommended the appointment of Mr. Chris Pengra to the Economic Development Board. Councilmember Ochsenhirt **moved** to approve the appointment of Mr. Chris Pengra to the Economic Development Board. Councilmember Burnham **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Vanderhoef and Mr. Pengra.

## CONSENT AGENDA

Councilmember Ireland **moved** to approve the following items on the consent agenda:

9. MINUTES  
February 19, 2008 – Regular City Council Meeting
10. FINAL PAYMENT  
Rhino Construction – Water line to tank #2  
Pierucci & Siaperas – Installation of Huber screen  
Powell Electrical System – North Substation breakers
11. FINAL PLAT APPROVAL  
Meadow Ranch Plat 7  
Sweetwater Plat 2  
Sweetwater Plat 3
12. BID AWARD  
Award of bid for ambulance refurbishing

Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## SCHEDULED ITEMS

13. PUBLIC HEARING – Consideration of placement of the equine overlay zone designation

Senior Planner Mike Hadley presented the proposed placement of the equine overlay zone. City staff drafted and proposed an equine overlay zone to be placed on residential subdivisions which will be allowed to have equine animals on lots smaller than one acre. The City Council passed the proposed ordinance on February 19, 2008. The proposal being presented tonight defines which existing subdivisions will have the equine overlay designation, which will run concurrently with the zoning map. The subdivisions recommended to receive equine overlay zone designation are Overland Trails plats 1, 1C, and 2 and Sage Valley plats A and B. This recommendation was based on the following criteria:

- The developments have a rural/equestrian theme.
- The amenities include equestrian riding trails.
- The developments include lots smaller than one acre.
- Some lots within the proposed developments already have equine animal rights.

*\*\*Mayor Jackson opened the public hearing at 7:48 p.m. Hearing no comments, she closed the hearing.\*\**

This was a public hearing only and did not require action by the City Council.

14. MOTION – Consideration and approval of development agreements for Sweetwater Plats 2 and 3

Development agreements for Sweetwater Plats 2 and 3 were presented by Senior Planner Mike Hadley. A development agreement is the formal acceptance by both the City and the developer of all rights and obligations associated with and related to the development of a previously approved subdivision. The agreement binds both parties to the conditions contained therein. All planning, engineering, and construction items are required to be approved in phases through the subdivision process and documented in final form in the agreement. They are not up for negotiation in the development agreement. The development agreement is drafted and reviewed to assure that all prior agreed standards, approvals, costs, conditions and special requirements and notices to the public are defined in writing and in the map of the project.

This item has been tabled twice during previous City Council meetings. On July 17<sup>th</sup> they were tabled for several issues. On August 7<sup>th</sup> it was tabled again due to the issue of improved open space. The developer now proposes to increase the value of the property and the amount of improved open space that will be dedicated to the city.

Councilmember Cieslak **moved** to approve development agreements with Eagle Mountain Development for Sweetwater Plats 2 and 3. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

15. RESOLUTION – Consideration and adoption of Resolution R-05-2008, a resolution of the City Council of Eagle Mountain City, Utah, approving and entering into an amended and restated agreement creating the Utah Local Governments Trust

City Attorney Jerry Kinghorn presented an amended agreement creating the Utah Local Governments Trust. Occasionally, it is necessary to amend the interlocal agreement with the Utah Local Governments Trust to update it to conform to current law and to comply with the requirements of those that regulate the Trust. This resolution formally adopts this new agreement with the Trust.

This agreement clarifies the Trusts' ability to offer Workers' Compensation. It also restructures the Board to allow more open representation to from cities and counties.

Councilmember Ireland **moved** to adopt Resolution R-05-2008, approving and entering into an amended and restated agreement creating the Utah Local Governments Trust. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

16. RESOLUTION – Consideration and adoption of Resolution R-06-2008, a resolution of the City Council of Eagle Mountain City, Utah, acknowledging and approving assignment of a banked water entitlement

A banked water entitlement was presented by City Attorney Jerry Kinghorn. Oquirrh Mountain Ranch has banked water rights for use within the City on various projects. When a developer pledges a banked water entitlement as collateral for a loan, the transaction must be approved by the City Council. Water is held as

collateral by the bank in case the developer defaults on the loan. This allows the bank to have the water necessary to complete the subdivision. The item before the Council for approval is an assignment to Bank of American Fork of the banked water entitlement which will be held as collateral by the bank.

Councilmember Cieslak **moved** to adopt Resolutions R-06-2008, R-07-2008 and R-08-2008, acknowledging and approving assignments of banked water entitlements. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

17. RESOLUTION – Consideration and adoption of Resolution R-07-2008, a resolution of the City Council of Eagle Mountain City, Utah, acknowledging and approving assignment of a banked water entitlement

A banked water entitlement was presented by City Attorney Jerry Kinghorn. SL6, LLC, has banked water rights for use within the City on various projects. The item before the Council for approval is an assignment to Brighton Bank of the banked water entitlement which will be held as collateral by the bank.

**Approval** of R-07-2008 was included in the motion for item 16.

18. RESOLUTION – Consideration and adoption of Resolution R-08-2008, a resolution of the City Council of Eagle Mountain City, Utah, acknowledging and approving assignment of a banked water entitlement

A banked water entitlement was presented by City Attorney Jerry Kinghorn. Ranches SC, LLC, has banked water rights for use within the City on various projects. The item before the Council for approval is an assignment to Brighton Bank of the banked water entitlement which will be held as collateral by the bank.

**Approval** of R-08-2008 was included in the motion for item 16.

19. AGREEMENT – Consideration and approval of an access agreement between Eagle Mountain City and SG Valley View

City Attorney Jerry Kinghorn presented an access agreement with SG Valley View. In connection with the construction of the 138 kV transmission line, it has become necessary for the contractor to access certain sections of the new line through properties that are not part of the permanent easements. The access agreement with SG Valley View will allow the contractor for the City to temporarily use the property described in the agreement to work on the project. It is anticipated that one other access agreement will be presented to the Council in the near future.

Councilmember Burnham **moved** to approve an access agreement with SG Valley View. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

20. AGREEMENT– Consideration and authorization of a reimbursement agreement between Eagle Mountain City, Utah, and Eagle Mountain Communities for the installation of a pressurized irrigation line in the Sweetwater subdivision

A reimbursement agreement with Eagle Mountain Communities was presented by Public Works Director Chris Trusty. Eagle Mountain Communities has requested a reimbursement agreement with the City for a

pressurized irrigation line. It will not be use yet, but will provide secondary water to irrigate Sweetwater Park when the City has secondary water available for irrigation. The line is installed in Shadow Drive in the Sweetwater subdivision. The developer's cost is \$71,920. The developer has offered to accept \$54,880 for installation of the irrigation line. The City will pay 88% of the cost, \$48,193.19.

Councilmember Cieslak **moved** to approve a reimbursement agreement for \$48,193,19 with Eagle Mountain Communities. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

Mr. Hendrickson pointed out that this agreement will require a budget amendment.

21. RESOLUTION – Consideration and adoption of Resolution R-09-2008 of Eagle Mountain City, Utah, approving the Utah Lake Commission interlocal agreement

An interlocal agreement approving membership of Eagle Mountain in the Utah Lake Commission was presented by Mayor Heather Jackson. In order for Eagle Mountain City to become a member of the Utah Lake Commission, it is necessary for the City to adopt a resolution to formalize the agreement. The purpose of the Utah Lake Commission is to encourage and promote multiple uses of the lake; foster communication and coordination; promote resource utilization and protection; maintain and develop recreation access and monitor and promote responsible economic development.

The Council had a lengthy discussion trying to ascertain what tangible benefits the City would receive for the \$7,000 to \$10,000 annual fee. Mayor Jackson stated that the City would have the opportunity to vote on issues affecting the City's several hundred water rights connected with Utah Lake. One water right is worth approximately \$16,000, so the fee would be substantially less than the value of one water right. The Council wanted to know what decisions the Commission would be making in the near future and whether past decisions have had an effect on actions involving the lake. Mayor Jackson and Mr. Hendrickson agreed to research the question and have answers by the next Council meeting.

Councilmember Ireland **moved** to table Resolution R-09-2008 until March 18, pending more information on the Utah Lake Commission. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

**CITY COUNCIL/MAYOR'S BUSINESS**

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the Council for moving quickly through the agenda items.

Councilmember Lifferth

Councilmember Lifferth asked who will communicate with the press during emergencies if Public Information Coordinator Linda Peterson is not available. Mayor Jackson responded that either Ms. Peterson, Mayor Jackson or Mr. Hendrickson would respond to the press. If the City needs to call the press, Mayor's Assistant Angie Ferre would be the backup for Mayor Jackson and Mr. Hendrickson. Mayor Jackson asked Ms. Peterson to put City contact information for the press on the web site. Councilmember Lifferth also asked if the new web site will support the City's planned opt-in instant messaging system. Ms. Peterson responded that she will verify with the web site company whether the site will support instant messaging or mass emailing to residents.

Councilmember Burnham

Councilmember Burnham had no comments.

Councilmember Cieslak

Councilmember Cieslak stated that residents have asked him whether street lights could be installed around Nolan Park. A couple of residents slipped on ice while jogging. Mayor Jackson responded that the Council could consider funding those street lights in next year's budget.

Mayor Jackson

She announced that the Council had their first budget retreat last Friday. She expressed appreciation for the time Council members spend in City meetings. She informed the audience that decisions voted on during policy session are thoroughly discussed during work session.

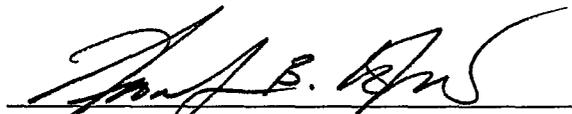
**CITY ADMINISTRATOR ITEMS**

Mr. Hendrickson said that the Finance Department is close to completing a study of impact fees collected over the past several years and how those fees have been expended. SID funds are also being reviewed. Mr. Kinghorn will review the document before it is brought to Council

**ADJOURNMENT**

Councilmember Lifferth **moved** to adjourn to a continuation of the earlier closed executive session at 8:26 p.m. Councilmember Ireland **seconded** the motion.

APPROVED BY CITY COUNCIL MARCH 18, 2008

  
Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

March 18, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:20 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham (arrived at 4:23 p.m.), Eric Cieslak (participated telephonically), Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant; John Mulder, Sergeant

**DISCUSSION/REVIEW ITEMS**

1. PRESENTATION – Central Utah Water Conservancy District – Nancy Hardman
2. PRESENTATION – MountainView Corridor Draft Environmental Impact Study – Terrie Newell
3. DISCUSSION – Revised bond letter for Sunrise at Kiowa Plats A and B  
– Scott Hazard and Ron Reichman
4. DISCUSSION – Utah Lake Commission – Reed Price

**AGENDA REVIEW**

The City Council reviewed items on the consent agenda and policy session agenda.

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

Councilmember Ochsenhirt **moved** to adjourn to a closed executive session. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

The City Council adjourned to a closed executive session at 6:05 p.m. for the purpose of discussing the purchase of real property; the character, professional competence or physical or mental health of an individual; and the deployment of security personnel, devices or systems, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:08 p.m. Boy Scout troops 856 and 1251 presented a color guard and led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (participated telephonically), Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; John Mulder, Sergeant.

### INFORMATION ITEMS/UPCOMING EVENTS

- Easter Egg Hunt, March 22, 10:30 a.m. at Nolan Park
- Republican and Democratic Party caucus meetings, March 25
- Youth City Council, March 26, 4:00 p.m. at City Hall
- Boy Scout food drive, "Scouting for Food," March 29
- Baseball tryouts, March 29, ages 9-11 at noon, ages 12-14 at 3:00, both at Nolan Park
- Tickets are available at City Hall for the April 5 Grizzlies game. A portion of each ticket price will benefit the "Home for a Hero" program.
- Town Hall meeting, April 23, 6:30 p.m. at City Hall. Questions and answers with Commissioner Ellertson, Rep. Sumsion, Sen. Madsen, and a representative from Congressman Cannon's office

Introduction of Miss Eagle Mountain and Little Miss Eagle Mountain royalty:

Miss Eagle Mountain – Kim Onions  
First Attendant – Shelby Terrell  
Second Attendant – Jessica Bare  
Little Miss Eagle Mountain – Macie Ferre

Introduction of Youth City Council

Aubrey Guyant (Youth Mayor), Jessica Bare, Kelly Jo Finch, Hartley Lojik, Kim Onions and Shelby Terrell

### PUBLIC COMMENTS

Mr. Bryan Free, 7654 Red Kite Way, stated that the new web site is very well constructed. He also said he is very excited to see the formation of the Parks and Recreation Advisory Board. The Ranches HOA is making progress on planning a recreation facility. He encouraged them to work with the City so it can be a citywide recreation center. He was happy to hear about the new parks coming in and hoped the new attention on recreation could lead to plays being put on.

Ms. Nikki Wickman, 2766 Fort Hill Road, spoke on the Utah Lake Commission. She said the purpose of the commission appeared to be to improve the recreational possibilities of the lake. She would prefer to see the membership fee go to recreational facilities in Eagle Mountain.

## CITY COUNCIL/MAYOR ITEMS

### CITY COUNCIL COMMENTS

#### Councilmember Burnham

Councilmember Burnham thanked Lynn Story and those who worked with her to put on the pageant. She was impressed with all the contestants and congratulated all the young women who participated. She complimented Miss Eagle Mountain for her composure when things went wrong just before her performance. And Little Miss Eagle Mountain was very cute. She was excited that Aubrey Guyant will be the Youth Mayor and looked forward to working with the Youth City Council.

#### Councilmember Cieslak

Councilmember Cieslak thanked the Boy Scouts for presenting the flag ceremony for the meeting. He encouraged families to arrive at the Easter Egg Hunt on time, because it is over in about two minutes. He attended the Economic Development Board meeting this past week and expressed appreciation to Ifo Pili for training the board on what the City can offer to new businesses. He said that economic development will benefit the residents.

#### Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked those who participated in the pageant. The youth are a great asset to the city. He was glad to see the creation of the Youth City Council and advised them to take ownership of the opportunity and be part of the development of the city. He asked that the Finance Department set up an equal payment plan to prevent residents experiencing extremely large utility bills during the coldest months of the year.

#### Councilmember Ireland

Councilmember Ireland thanked the Boy Scouts for their participation. He also thanked Mayor Jackson for her efforts in organizing commissions and boards.

#### Councilmember Lifferth

Councilmember Lifferth congratulated the Miss Eagle Mountain participants and the members of the Youth City Council. He commended the City on the new web site, which reflects well on the city. He thanked residents attending this City Council meeting for participating in local government.

#### Mayor Jackson

Mayor Jackson thanked Mr. Free and Councilmember Lifferth for their comments on the web site. She welcomed other comments on the web site. She commended Ms. Terri Burt, the wife of Finance Director Gordon Burt, for playing the harp beautifully during the pageant. There were also two young children who played violins beautifully during the pageant. Regarding utility bills, she said her bill doubled and she encouraged the equal payment plan.

Mr. Hendrickson stated that City staff is well on its way to providing an equal payment plan for utilities.

Ms. Aubrey Guyant, Youth Mayor, asked if information on the Youth City Council was posted on the web site. Mayor Jackson said that she would make sure the information was posted.

## CONSENT AGENDA

Councilmember Ireland **moved** to approve the following items on the consent agenda:

MINUTES –

March 4, 2008 – Regular City Council meeting, as amended

BID AWARDS –

Clear Construction – well pump stations #2 and #4

Probst Electric – sectionalizer relocations and well #5 electric infrastructure

Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

**SCHEDULED ITEMS**

11. ORDINANCE – Consideration and adoption of an ordinance designating certain areas of Eagle Mountain City as being within the equine overlay zone

Placement of the equine overlay zone was presented by Mayor Jackson. At the March 4, 2008, City Council meeting, the Council approved an equine overlay zone designation for residential developments which permits equine animals on lots smaller than 1 acre. The public hearing for the proposed ordinance was held on February 19, 2008. A second public hearing was held on March 4, 2008, to define which developments in the City will have the equine overlay designation. The ordinance that is being presented to the City Council formalizes the overlay zone designation.

City Attorney Jerry Kinghorn pointed out that the subdivisions being included in the equine overlay zone are those which were discussed in the public hearing, so no change is being considered. Councilmember Cieslak expressed appreciation for the Council discussing this issue extensively so that the decision was made carefully.

Councilmember Lifferth asked how the change in regulations would be communicated to the affected residents. Planning Director Peter Spencer said the Planning Department could send out notices. Mr. Hendrickson said the info could also be posted on the web site.

Councilmember Lifferth **moved** to adopt Ordinance O-07-2008, designating certain areas of Eagle Mountain City as being within the equine overlay zone. Councilmember Ireland **seconded** the motion.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

12. RESOLUTION – Consideration and adoption of a resolution approving the Utah Lake Commission interlocal agreement

*\*\*Item #12 is reported verbatim at the request of Councilmember Lifferth.\*\**

Mayor Jackson: OK, we will move on to item #12, which is a resolution regarding the Utah Lake Commission. John do you have a, a brief synopsis that you would like to give us?

Mr. Hendrickson: Oh, synopsis, is it that what you want, is that what you said or announcement?

Mayor Jackson: A synopsis regarding the Utah Lake Commission.

Mr. Hendrickson: I'll do it. For those who may not been with us in our work session, we had Mr. Reed Price, who is the Executive Director of the Utah Lake Commission, join us and answer a number of questions and go through that. Utah Lake Commission was basically set up almost a year ago and it was basically through legislation and through a joint powers agreement between a number of cities. They've amended that to allow all cities in Utah County to become members if they wish. The city, if they want to join that commission and vote they must then help pay the freight or pay their way, so to speak, the cost of the commission. They may join or they may go to the commission as an *ex officio* member and comment, but they cannot vote on anything. The commission does not have authority or power to permit, direct compliance or enforce ordinances or laws, but what it does is it, it does studies, evaluates projects, evaluates the uses of the lake. They're going to, one of their projects is to adopt or develop a master plan for the use of the lake and through that method then they bring pressure to or to guide different users or those affected areas along the lake, either in recreation or in transportation or in the, the use of water, the studies that affect that, that lake and its condition. That's their whole purpose. They go through those studies to that active, if you will, collaborative participation that, that will have an affect upon the whole body and the whole users of the lake or people who affect the lake, and that's their whole intent.

Mayor Jackson, in a meeting with a number of mayors throughout the Utah County as she will do, was asked about this. She felt it was important to bring it to the Council and needed to, and so that's what we're delivering right now: whether to join or not to join, and I hope I did it succinctly enough, Mayor.

Mayor Jackson: That was great. Thank you, John. Are there any other questions that the Council might have at this time?

?: About how much money are we talking about? [approximate – only slightly audible]

Mr. Hendrickson: We're talking about, the first about seven, I think it's \$7,000 dollars this year and about \$10,000 next, I think.

Mayor Jackson: OK.

Mr. Hendrickson: Their budget, their total budget is about \$300,000 the, from what I understood or thereabouts. The, the formula is based upon how many miles you have of property or, or frontage along the lake, that, we have zero so we don't pay anything for that. It is based upon, another factor is the area of which the city, we are the largest area-wide city in Utah County, and third in the state, by the way, in population and we're not the largest in the county, but we're getting towards that upper tier. So our cost would, right now, be about \$10,000 a year. It's a prorated basis this year, so it would be about \$7,500.

Councilmember Ireland: Just to add to that, the State of Utah is covering 35% of the total cost and the Central Utah Project is covering another 15%. So the municipalities are only covering half . . .

Mr. Hendrickson: That's correct.

Councilmember Ireland: . . .and we're, that formula that you gave is . . .

Mr. Hendrickson: For the municipalities' portion only.

Councilmember Ireland: That's right.

Mr. Hendrickson: That's correct.

Councilmember Lifferth: Could I ask a question of Jerry? We are part of the Utah County hydrology basin. What sort of control in voting on Utah County, or Utah Lake, issues could we impact our own water control in our, in our valley over here, since our we are integrated and tightly tied to water use and water flow between here and, and Utah Lake?

Mr. Kinghorn: As you know, I am not a hydrologist, but my understanding of the, of the situation is based on our study of water rights. The Cedar Valley area that we're in is connected to, to the Utah Valley and Utah Lake is a major hydrologic feature in, in Utah Valley and, and therefore Cedar Valley, as well. We have water rights that we use in our municipal system that are dependent on flows being delivered out of Utah Lake downstream to replace flows in Salt Lake County. So it's, the management of the lake from a water rights standpoint is of interest to us. Being able to have a voice on the technical committee that makes decisions about how the dam is regulated, how the, how the lake is used as a reservoir, how the lake is used to deliver water to downstream users is important to us. This is one of those areas where it's a, it's a, it's a very small but very important area of interest. The risk is not a huge risk, but it's better to have your eyes on something like that and be able to participate in those decisions than to ignore it. So I've always wondered how we were going to be able to participate in the management of the lake with those issues. Some of these water rights were dedicated to the city 8 or 9 years ago when there wasn't a Utah Lake Commission and we were just really there without a mechanism to protect ourselves. So I, for whatever it counts, am more familiar, I'm, I'm, I'm a little bit happier that we have a voice in how the lake is managed than, than we were before.

Councilmember Lifferth: Let me ask a follow-up question: We don't have a border with Utah Lake, obviously, but the water that we're getting for the CUWP, Central Utah Water...

Mr. Kinghorn: CWP Project.

Councilmember Lifferth: . . . CWP Project comes from Orem, which does have a Utah Lake boundary. Would that impact our water that we get from, from that project?

Mr. Kinghorn: Probably not. A good deal of the water that comes, that will come to us from the CWP site comes from the old water supply system that functioned for the Geneva Steel site and that is right next to the lake. I don't know how the Utah Lake Commission will, will influence the management of the ground water in that area. I know the Central Utah District is very interested in Utah Lake. They want to protect those water rights. They have a duty to us to supply us with water through that pipeline and it's dependent on those water rights so . . .

Councilmember Lifferth: Is CWP on the Utah Lake Commission? Is, there is a relation there?

Mr. Kinghorn: Yes, the Central Utah Water Conservancy District is one of the major members of the Utah Lake Commission.

Mr. Hendrickson: I might, I might mention in follow-up, the one thing we didn't mention is that they are going to be studying and looking at the studies on the effect of the Timpanogos Sewer Service District and its effluent on the lake and those would effect us because we, excuse me, because we do service, go to that plant out of the Ranches. So it could affect us and our cost.

Councilmember Ireland: Let, let me start by saying I appreciate the information that we got for this meeting, appreciate your patience with me for getting that to, to us. As far as from \$7,000 whatever this year, potentially ten or so next year, I, I, I, recognize the potential cost, the potential financial impact if, if those water, water rights that are related to the lake are, are diminished in some, in some, in some capacity and it could be very financially damaging to the city, so there is, there is value in participating here. I guess additionally, there is value from my perspective in, in that now is when they're putting together the master plan. It would be good to be a part of putting together that master plan. I guess I would lean towards favoring this if we could go through this year and then beginning of next year re-evaluate and see if we got our money's worth, see if we feel like it's, it's a benefit to the city, and, and, and kind of address it year to year kind of a thing, so, guess that's kind of where I'm at right now.

Councilmember Lifferth: That's a good point. Can we, each year do we have, do we have to re-approve being a part of this, re-approve the budget money for that, or can we opt in and opt out on an annual basis?

Mr. Hendrickson: Yes, it does say under Withdrawal, if you look under Article 5. I don't believe there is a, it's on page 5, by the way, of the agreement. It says you have to, you . . . let's see . . . "A member may withdraw if the member's financial obligations to the commission are current, including its annual budget commitment. The governing body of the member gives written notice of its intent not less than one year prior to the effective date."

Mr. Kinghorn: OK, could I just throw something in here, though? If you're, if you're, if you want to participate in the planning, which is multi-year planning, and you want to participate in technical approaches to solving problems with the lake, which will be multi-year approaches. I mean, that lake has problems which have been developing for a couple of hundred thousand years, OK? And I would just say that we need to stay at it. You know, we need to be in there, stay at it, and participate, smile on our face, and, and I would suggest that going to them for a fairer formula on the sharing the costs might be something they might be receptive to. Because we do look like we're the most remotely connected community with the exception of Soldier Summit, I guess in Utah County and, and, Soldier Summit is in Wasatch County. But I think approaching them on the basis of trying to get the formula fairer, to hang in there year after year would be an advisable thing to do.

Councilmember Ochsenhirt: I'd just like to reiterate that this is an advisory board. They have no power. They're going to make good, do good things, they're going to discuss good things, they're going to make good recommendations, but at the end of the day, our buying a vote would really not equal anything more than supporting their findings. Because being one voice would be very difficult to change the minds of everybody there anyway, where you can attend the meetings and participate in that way. Basically the money is, is the outright purchase of the right to vote and where this, this commission has no authority to enact their decisions upon anybody, I think that's something that needs to be considered because, just because they make a decision, whether we agree or disagree, we can throw our full weight behind it with a letter of, of participation at that point where we agree or disagree and it would have equal weight, in my opinion.

Councilmember Burnham: Sorry. Go ahead.

Councilmember Ireland: I was just going say, based on that information about withdrawing, you're, you're basically if you agree to it you're committing to a two year, you're ponying up for two years because you have to give them notice a year in advance so it's, if we were to vote for this today, we're really saying it's for 2008 and 2009. Next year we can worry about 2010.

Councilmember Burnham: I have just a few concerns that I wanted to express. My biggest concern is with the fee structure and we talked about this in work session, so if you weren't there it might be helpful for you to know that \$150,000 dollars of their budget is paid for by the cities. Of that \$150,000, they're asking us to pay \$10,000. That's a lot, for a little city of Eagle Mountain and the reason for that is, by population we, we're paying \$2,000 something. The rest of that comes because our city is so big in terms of land. And so I have a real problem with the way they have the fee structure. We asked them and he indicated clearly to me that he didn't have any problems with the fee structure and that they were, it was going to stand that way, but if we were a voting member maybe we could change their minds. I, I, didn't like, it, it, it wasn't very promising to me that we could actually move them on that, and I'm just concerned about that. I'm also concerned because some, the big concerns that we have, a lot of the big concerns that we have, the water and so forth, are not their current big agenda items. The only one, the one that Councilmember Ireland mentioned with the general plan, that was one of the big ones that they mentioned and I'm concerned, as well, with what Ochsenhirt was saying about it is an advisory, they only have an advisory capacity now and that's all they have. So for me, I would prefer for us to be *ex officio* members, get our foot in the door and get a better idea of where they're going before we commit that kind of money and, and I am certainly willing to look at this for the next budget year. I'm just really concerned about putting this kind of money. Those were, I guess I've just outlined my concerns. That's, that's how I feel.

Mayor Jackson: I, I would like to, and Eric, I'm not forgetting you, would like to just ask a quick question in the fact that we're currently discussing the next budget year. So if you don't approve it, how is it that you want us to go about studying it for the next budget year, because basically we'll be making that decision within about a month, so just wanted to . . .

Councilmember Burnham: Right, that's a good point, that a budget is fluid and we could, you know, we could actually budget for it without actually approving it, right?

Mayor Jackson: Yes.

Councilmember Burnham: So I would recommend we do that.

Mayor Jackson: OK. Eric, did you have some comments?

Councilmember Cieslak: I think that . . . I appreciate the purpose of the Utah Lake Commission.

Mr. Hendrickson: We can't hear you, Eric.

Councilmember Cieslak: Can you hear me now? Hello?

Mr. Hendrickson: Yes.

Mayor Jackson: It's good now.

Councilmember Cieslak: It's good now? OK. I feel like I'm a Verizon commercial. I appreciate the, the commission's purpose in advocating the lake. I think that there are two issues that are, we're getting caught up in here that I personally found myself getting caught up in. First, their stated mission to preserve the lake for recreational purposes, as well as, for lack of a better word, cosmetic purposes, and the second, this is with water rights. Now, I feel that it would be very advantageous for us to have an

active seat in regards to water rights. We're all very aware of the need for water in our city and if we have an opportunity to advocate something for the increased availability of water rights, then I think that that's something we should take a long, hard look at and I think that we have done that in, in these two meetings here. I do have a concern with their ability to enforce their findings. I specifically asked him today in our work session, Mr. Price, in our work session what they would do to support their findings and essentially there will be a, a lobbyist group was the response that we received from him. I am curious to know whether or not us paying \$7,500 to \$10,000 a year, what the return on what essentially is an investment in our, our water rights. I don't know what that would be, though, and I think that that is something that we would need to look at. I'm not opposed to us participating as *ex officio* members, but I do see benefit in us being actual, card-carrying members of this organization. I just don't see, right now, and this is a difficult thing for us because we're talking about expending this money into an organization that, for all intents and purposes, their track record is wanting. But at the same time, I don't want us, as a city, to pass up on the opportunity to advocate our need for increased water rights. It sounds like I'm kind of talking in a circle, and I guess I am, but at the end of the day, if membership in this commission means an increased opportunity for us to have stronger water, water rights, then I would lean towards being a card-carrying member and paying for it, because I think that would be money well spent.

Councilmember Lifferth: Madame Mayor, can I throw out a couple of items that I learned when I went to the COG meeting? We had a much more in-depth presentation by Mr. Reed than we did tonight.

Mayor Jackson: Yes, I'd love that.

Councilmember Lifferth: A couple of items: First of all, he pointed out that they have no legislative authority, they can't pass laws, they can't enforce things like that, but there are a lot of legal things that they can do because of legal status. For example, they would be the ones to administer Federal and State grants that involve Utah Lake, so they will be distributing funds for projects that may or may not impact us. Also, their advisory role to different State boards, such as the Water Quality Board and a number of things that are very important to us, we will be able to vote and have an impact on how, what kind of recommendations they make to the State boards, the State Legislature, the County Commission and the Governor, all of which are on board with this Utah County Commission project, and so some of these things would be very advantageous from us, for us, from a political standpoint to be able to cast a vote and we may be the swing vote on some of these things. I don't know. But one of the most important things that, that he mentioned tonight is that they will be reviewing the causeway. The causeway could provide a very important additional transportation corridor for us. We mentioned right now Utah Lake is a barrier to transportation. I would love to be in a position to vote and to make a recommendation like that for funding from the Federal government and for the State to provide something like that. If we're not a voting member, we can't tip the vote one way or the other. So I think it's important that we do open the opportunity for helping ourselves in the future with what this commission can do, with, with what they are legally, are legally able to do.

Mayor Jackson: One of the other things that I noticed from what Reed was saying during our work session was, he was talking about, he talked about a couple of different committees and one of them he mentioned was the technical committee. The only way you're going to get appointed to be a member of any committee is to be a member of the actual body. So if there are specific committees within the Lake Commission that are studying specific things, your *ex officio* membership doesn't, then you don't get appointed to that committee, you don't know when those committee meetings necessarily meet to even be able to attend them or be involved and give your, give your two cents in being an *ex officio* member. So that, that was one of the things that also I, I think was brought up that we haven't discussed, so I just

wanted to point that out, as well. At this point, I think we've had quite a bit of discussion. Ryan, you have something else.

Councilmember Ireland: Well, I was just going to briefly say the \$300,000, their budget, that's going to engineering studies, that's going to try to get Federal grants, it's trying to publicize some of the things they're doing. I've seen some of their, some of their things show up in the newspaper. I mean, they're, they're trying to get the word out about the lake and so some of it's going towards those things. My dilemma is, that's going to happen whether we pony up \$10,000 or \$17,000 or not, so I'm still trying to figure out that part of it.

Mayor Jackson: OK.

Councilmember Lifferth: Well, in an effort to move the meeting on, I'd like to make a **motion** that we adopt Resolution R-09-2008 of Eagle Mountain City approving the Utah Lake Commission interlocal agreement.

Mayor Jackson: OK. Do I have a second for that motion? And remember, just because you're saying a second, does not mean that you advocate for that. All it's saying is that you're willing to have a vote. Just so you know.

Councilmember Burnham: I'll **second** that.

Mayor Jackson: OK, do we have any further discussion on that particular motion or are we prepared to vote?

Councilmember Lifferth: You know, I recognize the concerns of the Council in being frugal and fiscally responsible. I, of all people, am aware of the financial history of Eagle Mountain and how important it is that we do spend our money very wisely, but to go back to something Jerry said, I think it is very important that we get in very early and are able to impact this committee with some direction that definitely would benefit us in our water needs, as we do live in a desert. So I would encourage the Council to weigh that in the balance and do what you think is best for the city.

Mayor Jackson: OK.

Councilmember Cieslak: Now, will this have an impact on water rights?

Mayor Jackson: Will this have an impact on water rights?

Councilmember Cieslak: Yeah, will it, will the commission study water rights and make recommendations for water rights?

Mr. Kinghorn: The reason that Central Utah is, is in Utah Lake Commission is because they have a very high stake in maintaining the use of Utah Lake as a reservoir for exchange purposes for water rights. We have a stake in its management, as I say, to access some of the ground water rights that we have. You know, we don't have a lot of, compared to them. You know, they're talking about 50-60 thousand acre-feet of water. We have 1,000 acre-feet of water that's dependent on one change application for deliveries downstream. Well, 1,000 acre-feet of water is over 1,000 houses, so to, to Central Utah, 40 or 50,000 is a lot. To us, 1,000 is a lot of, acre-feet is a lot water and I, and I can't put a number on how much jeopardy we'd be in if we don't, do or don't participate in this. I think it's a shame they make it so

expensive for us, but I think it's in our best interest to participate in the planning of the management of this lake.

Mayor Jackson: And I don't, I don't think we'll ever get a chance to change their mind about how to come up with that formula for, for the billing . . .

Councilmember Lifferth: If we're not on.

Mayor Jackson: . . . if we're not on it, they're not even going to entertain us discussing it, because they're going to say, "You weren't willing to pony up the money, so why should we even bother to talk to you about it?" Just as a perspective.

Councilmember Cieslak: Yeah, definitely, and I appreciate the perspective. I think that, personally, getting caught up in the recreational uses of Utah Lake, I, I share the same view, view of Utah Lake, I think, as Nikki. I'm not much of a boater, I don't have much of a need for recreational needs on that, but I do have a need for, for water rights and if, as I understand what Jerry is saying, that this could potentially have a very positive or negative impact on our ability to acquire water, then I do think that we need to, I do think we need to move forward, as far as joining this commission.

Mayor Jackson: Eric.

Councilmember Cieslak: Yes.

Mayor Jackson: One of the items that the Utah Lake Commission gentlemen brought with them, I'm going to read you one little section of this. It says, "Objectives of the Utah Lake Commission: encourage and promote multiple uses of the lake. The commission shall encourage and promote multiple uses of the lake to balance access, use, development, ecological value and economic benefits in coordination with individual land owners' and water users' rights, in accordance with applicable laws, rules and regulations and consistent with the fact that certain Utah Lake environments and areas are owned and/or governed by various public entities." So, in that specific section, it is referring to water rights and, and the uses, you know, of the water, so . . .

Councilmember Cieslak: Thank you. I appreciate that. Then in, in my mind it's, it's a done deal. I think that we do need to do this.

Mayor Jackson: OK. Is there any further discussion or are we to a point where we're prepared to vote?

Councilmember Burnham: Call the question.

Mayor Jackson: All right, we're calling the question, and, and Councilmember Ireland, it's your turn, man. I could be nice and come back to you if you really want. Councilmember Lifferth.

Councilmember Lifferth: I'll vote yes.

Mayor Jackson: Councilmember Cieslak.

Councilmember Cieslak: Yes.

Councilmember Ochsenhirt: It's Donna.

Mayor Jackson: Oh, I'm sorry. I skipped you, Donna. They keep me on track.

Councilmember Burnham: No.

Mayor Jackson: And Councilmember Cieslak, you voted . . .

Councilmember Cieslak: Yes.

Mayor Jackson: Yes. Councilmember Ochsenhirt.

Councilmember Ochsenhirt: No.

Mayor Jackson: Councilmember Ireland. Still your ball, man.

Councilmember Ireland: I'm going to say no. And . . . I'll just vote no.

[The motion **failed** with a vote of 2:3.]

Mayor Jackson: Now my next question is, because I have had direction that she would like this put into next year's budget: Upon receiving a no vote from the Council, it seems strange to me to do that, so I would like some direction as to what you all want me to do for this next year.

Councilmember Ireland: I'd say yes to that.

Councilmember Ochsenhirt: I still say no. I don't see the point of buying a vote for an opinion. I apologize if that rubs anybody wrong, but I just see no, I see absolutely zero value in buying this vote where we can give the same amount of weight by backing their decision. We're one of many, whether we're voting or not, we're one of many and I just, I think that this is a, that the tone, though respectful, Mr. Price, that I got, I echo what Donna said, what Ms. Burnham said, that it didn't feel like there was any room to change those fees and to have such a small number of people that do not live right directly on the lake and to have that, that amount of money, it just seems exorbitant. The, the fee is what I'm, what I'm, I'm balking at. It's too much for too little.

Councilmember Ireland: The, I forget his name, that came and presented to us . . .

Mayor Jackson: Reed Price.

Councilmember Ireland: . . . Mr. Price. John, you were to give him a call first thing in the morning and let him know how we voted. Would you, as part of that phone call, mention to him that that dollar amount in the formula had a big part in at least one person's vote?

Mr. Hendrickson: Absolutely. Yeah, I, I agree and I have written my notes before the vote, so I was kind of down there and I, what I would tell him that we would still like to come and be an *ex officio* member, *ex officio* member and, and, based upon that, it may come back to the Council for a review as you had discussed. Would that be appropriate?

Councilmember Ireland: That would be great. Thank you.

*\*\*End of verbatim transcription.\*\**

13. RESOLUTION – Consideration and adoption of a resolution acknowledging and approving assignment of a banked water entitlement for Homespin, LLC

City Attorney Jerry Kinghorn presented an assignment of a banked water entitlement. The assignment is for Homespin, LLC, to Far West Bank of a banked water entitlement which will be held as collateral by Far West Bank.

Councilmember Ireland **moved** to adopt Resolution R-10-2008 acknowledging and approving assignment of a banked water entitlement for Homespin, LLC, to Far West Bank. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

14. ORDINANCE – Consideration and adoption of an ordinance establishing a Parks and Recreation Advisory Board

The Parks and Recreation Advisory Board was presented by Mayor Jackson. The board, composed of seven members, will serve as a liaison to the City Council, promote recreation programs and facilities within the City and provide recommendations to the City Council regarding those issues.

Mr. Kinghorn stated that the board will not have the authority to bind the City or spend money without City Council approval.

Councilmember Lifferth asked how long it would take to have members appointed to the board. Mayor Jackson responded that she hoped the board would be staffed within a month.

Councilmember Cieslak **moved** to adopt Ordinance O-08-2008 establishing a Parks and Recreation Advisory Board. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

15. AGREEMENT – Consideration and approval of a real estate purchase contract with Monte Vista Ranch, LC, for public works property and rights-of-way

City Administrator John Hendrickson presented a real estate purchase contract with Monte Vista Ranch, LC. The City has been leasing the 41-acre property, which is adjacent to the waste water treatment plant. It will be used for future waste water treatment facilities. When entirely built, these facilities will provide adequate capacity for the foreseeable future. This purchase can be made without any additional bonding. Monte Vista Ranch has accepted the appraisal amount, which is less than they could receive for the property from another buyer, in exchange for completion of Bobby Wren Boulevard by the City and collection of impact fees for future development. Monte Vista Ranch will deed to the City all the property necessary to complete Bobby Wren Boulevard at no cost.

Councilmember Burnham **moved** to approve a real estate purchase contract with Monte Vista Ranch, LC, for public works property and rights-of-way and that no additional bonds be issued.

Councilmember Cieslak commended City staff for finding a way to make this purchase without additional bonding.

Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## **CITY ADMINISTRATOR ITEMS**

Mr. Hendrickson stated that the City has had a lot of interest from new businesses considering locating in Eagle Mountain. He pointed out that some information regarding economic development must be confidential. It is not intended to be secret. He also said that City staff is close to resolving impact fee issues. He reminded the Council that budget meetings need to be set. Next year's tentative budget will be presented on May 6 for a public hearing.

Public Works Director Chris Trusty gave a report on the progress of the new sewer treatment facility. The EPA has responded to the City's Finding of No Significant Impact. During the public comment period, no negative comments were received, so the public improvements contained in the FNSI memo are approved. The technical memorandum regarding the rapid infiltration basin will be submitted to the State Division of Water Quality in the next couple of days. The contractors' prequalification package will be ready in one to two weeks.

## **CITY COUNCIL/MAYOR'S BUSINESS**

### Councilmember Ochsenhirt

Councilmember Ochsenhirt clarified that his "no" vote on the Utah Lake Commission meant that, although he is interested in their work, he was uncomfortable with the size of the membership fee.

### Councilmember Ireland

Councilmember Ireland had no comment.

### Councilmember Lifferth

Councilmember Lifferth said the vote on the Utah Lake Commission was the way that local government was supposed to work. Some other split decisions he has been part of have involved ego and pressure, which is not the way decisions should be made. He thanked the Council for handling the issue so well.

### Councilmember Burnham

Councilmember Burnham expressed appreciation for the respect the Council members showed for each other and the respect the Mayor had for Council members' decision, which went contrary to her preference. She announced the Woman of Achievement named at the Miss Eagle Mountain Pageant, Susan Vanderhoef, who has done a great deal for the city. She also stated that she was pleased that the City would be able to purchase the sewer treatment property without going into additional debt. She suggested that Council members who serve as liaisons to the boards be rotated annually so Council members have a better overview of what is going on in all areas of the city.

### Councilmember Cieslak

Councilmember Cieslak appreciated the way the Utah Lake Commission vote was discussed respectfully among Council members this evening.

### Mayor Jackson

Mayor Jackson reiterated that disagreement is fine and appreciated the professional way the Council handled the issue this evening. She also commended Ms. Vanderhoef. She received several letters of

nomination for Ms. Vanderhoef. Michelle Vanderhoef, who has been Miss Eagle Mountain twice, read excerpts from the letters of nomination and helped present the award to her mother. Mayor Jackson announced that starting this week, City Hall will be open five days per week. The Utility Billing Office hours will be shortened slightly to accommodate the five-day work week. She announced that since the Recorder's Office has only two employees, for safety reasons when there is only one in the office, the office door will be locked and customers will be assisted through the service window. The library will be open on Fridays starting next week.

#### **ADJOURNMENT**

Councilmember Ochsenhirt **moved** to adjourn the meeting at 8:42 p.m.

APPROVED BY CITY COUNCIL APRIL 1, 2008

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

April 1, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:08 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

**DISCUSSION/REVIEW ITEMS**

1. DISCUSSION – Building Use Policy – Mayor Jackson requested that the Council review the Building Use Policy and get their comments back to Jerry Kinghorn by April 15, 2008. The policy would be placed on the May 6, 2008 City Council agenda for consideration and adoption.

**AGENDA REVIEW**

2. The City Council reviewed items on the consent agenda and policy session agenda.

**CITY ADMINISTRATOR INFORMATION ITEMS**

3. DISCUSSION – Update on the sewer treatment facility – Chris Trusty, Public Works Director

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

Councilmember Cieslak **moved** to adjourn to a closed executive session. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

The City Council adjourned to a closed executive session at 5:32 p.m. for the purpose of discussing reasonably imminent litigation and the purchase of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:09 p.m. Logan Freeman led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant

#### INFORMATION ITEMS/UPCOMING EVENTS

- Meeting with the PTA and principal of the new elementary school, April 9, 6:00 p.m., Pony Express Elementary School
- UDOT open house on 10<sup>th</sup> South East-West connector final road design, April 10, 5:00 – 7:00 p.m., Snow Springs Elementary School, Lehi
- Volunteer recruitment meeting for Pony Express Days, April 10, 6:30 p.m., City Hall
- Garage sale fundraiser for Sadie Huish, a 5-year-old diagnosed with a brain tumor, April 12, 8:00 a.m. – 12 noon, Ranches Academy
- “Pimp My Pooch” dog fair, fundraiser for Humane Society, April 12, 1:00 p.m. – 6:00 p.m., Nolan Park
- Town Hall meeting, April 23, 6:30 p.m., City Hall. Questions and answers with Commissioner Ellertson, Rep. Sumsion, Sen. Madsen, and a representative from Congressman Cannon’s office
- Mayor Jackson attended a meeting this morning regarding the City’s contract with the Sheriff’s Office.
- Sgt. Gordon Ewell received his Purple Heart this afternoon. The key ceremony for the house his family will receive from the “Home for a Hero” program will be on May 30 at 11:00 a.m.
- The City has held two DRC meetings regarding the proposed bike park. The developer has proposed solutions for approximately 20 issues brought up by residents, including parking, dust, liability, financing, security, safety, and erosion.

#### 4. PUBLIC COMMENTS

Chris Bowerbank, 3339 Castle Cary Cr., had the following concerns about the cost of the proposed bike park. The estimated \$40,000 to \$50,000 cost is planned to be paid by donations and City funds.

- Is there enough resident interest to justify the City’s financial investment?
- Is the park a top priority over other recreational facilities such as a recreation center, parks, playground equipment and facilities for basketball, baseball, tennis and soccer?
- Does the City have the funds to maintain the park without going into further debt?
- What is the detailed cost breakdown? If the project goes over budget, how much is the City willing to pay?
- How would the City respond if the project goes over budget?
- Would the City Council consider requiring the park builders to place all the funds needed to build the park in escrow before construction begins?
- Does the City have the tax revenue to fund this project now, or should the City wait until more businesses come to Eagle Mountain and provide more tax revenues?

- Would the funds used for the bike park be better used to attract more businesses?
- Since the park would be located on a utility easement, has the City thought about the cost of losing the investment in the park if the company which owns the utility needs to remove park facilities to work in the easement?
- With a high rate of foreclosures in Eagle Mountain, and a slower rate of building, does it make sense to build the park, which is a luxury, when future city revenues may be reduced because of the economic situation?

He also had the following concerns about sanitation:

- It is proposed that bike park users use the restroom facilities at Nolan Park. A typical boy will use a nearby tree.
- How will trash be picked up if it isn't put into trash cans? Will the adjacent residents have to do it?
- How will animals be prevented from getting into trash?

Brad Fausett, 3288 Golden Eagle Rd., commented on traffic and parking at the bike park. He said other bike parks in Utah and surrounding states are not within city limits. He does not see a parking area for the bike park other than in the street. Golden Eagle Rd. is too narrow for safe on-street parking. The stop sign at the intersection of Golden Eagle and Sparrow Hawk is often ignored, which adds to the safety problem.

Leanne Dalton, 7468 Castle Rock Rd., lives adjacent to the proposed park location, which is on a utility easement. She has spoken to Doug Gibbons of the Kern River gas company regarding regulations for easements. He told her the Kern River Developers' Handbook, found online, says the best use of easement property is open space trails. The City must maintain vegetation and no erosion is allowed. No invasive weeds or fill can be placed on the easement. No jumping is allowed. Any construction equipment requires a Kern River employee on site. If the City does not enforce these regulations, Kern River can shut down the park. Kern River can tear out anything in the way of their work in the easement. Restoration would be at the City's expense. Ms. Dalton asked Mr. Gibbons about the use of ATVs on the easement, which he said was not permitted. She felt that the park would increase vehicle traffic on trails. The lack of fees or enforcement will increase the problems. Youth may endanger themselves climbing on power poles. She spoke to Kevin Mulvey of Rocky Mountain Power, who said the cost of fencing along the easement would be borne by the City.

Fred Peeples, 7572 Kidwelly Ct., lives adjacent to the proposed park location. He addressed the following issues with placement of the park:

- The bike park in Vancouver, Canada, is adjacent to a skate park, allowing shared restroom facilities, parking and trash facilities. It is not located next to an easement.
- Sandy City allows bikes to use its skate park.
- Wildland fires are increasing each year. The bike park is located in a transition area between homes and wildland. Bringing people into the area increases the chance of fires. He asked Chief Andrus to address this.

He requested that the City require a full height fence between the park and homes. He also asked that the bike park be constructed using dust control materials.

Peggy Henrie, 3356 Castle Cary Cr., discussed liability issues the bike park would create for the City and adjacent land owners. She mentioned the Recreational Land Use Immunity Act and the Landowners' Liability Act. Failure to exercise due care eliminates protection under the Land Use Immunity Act. Mrs. Henrie requested that a requirement for maintenance records and who is

responsible for the facilities be included in the written agreement for the park. She asked the following questions:

- Will standards for playground equipment be followed?
- Will signage identifying park rules for each skills and trails area be installed?
- Have attractive nuisances been identified, such as utility poles and steps leading to the easement?
- Could planned sharing of the current trail by pedestrians and bikers result in injury?
- Could on-street parking result in children darting out from between parked cars?
- Are landowners protected by the cited Acts? Her research indicates that landowners would have to prove enforcement of no trespassing.

Mrs. Henrie cited the bike park in Vancouver as a model for the Eagle Mountain bike park.

Kara Badger, 7518 Darnaway Ct., lives adjacent to the proposed park location. She said misperceptions and assumptions from the builders have led residents to feel they are being misled. These include comments in the slide presentation presented to the City Council. For example, the fence mentioned as a barrier between the bike part and the residential property is a two-rail pasture fence, not one that would prevent access. Parking is a concern, as park users who take a shortcut to their cars would cross private property. The amount of money contributed by The Ranches HOA was not accurately stated. She asked that the City Council exercise due diligence and examine the proposal closely. She also said that WAFTA was said to be a nonprofit organization, but it has not been granted that designation yet. She also stated, in behalf of her son, that he is opposed to the bike park because the deer won't visit him any more.

Chris Woodbury, 7512 Darnaway Ct., appreciated those who proposed the bike park and said they have a good vision and want to create positive press for the city. They have been willing to meet with residents to discuss their concerns. She asked that decision makers step back and consider residents' concerns: location, cost, liability, accessibility, parking, safety, construction restrictions, effect on nearby residents and enforcement of rules.

Rick Thompson, 4669 Osprey Way, expressed appreciation for the Council and the great job they do. Regarding the skate park, he said Salt Lake County sometimes closes a skate park due to problems. He is for kids and extracurricular activities. Many of these activities are paid for by individuals, so he suggested the City charge a small fee for use of the skate park to help with maintenance and/or supervision. He has taken his son to a skateboard park which charges a fee. The Lehi swimming pool also charges a fee. Perhaps there could be a league, which would provide supervision. The City may open a Pandora's Box when paying for facilities for special interests. Regular parks, by contrast, serve everyone.

Logan Freeman, 1860 Juniper Dr. in The Landing, spoke about the entry to his subdivision. Residents have previously brought up the poor condition of the entryway but have not received a response from the City Council. Many residents are willing to donate time and materials for improving it, and some Scouts living in The Landing want to do Eagle Scout projects there. The subdivision is older and the residents often feel forgotten by the City. He also said there are empty lots, 3 unfinished rows of houses, and 2 roads that need to be finished. He hoped that something could be done to encourage the owners to take care of those lots.

Susan Hayward, 8466 Western Gales Dr., encouraged the City to institute curbside recycling. She works near Recycle America and takes her family's recycling there when she goes to work. She and her neighbors are interested in single-source curbside recycling.

Ammon Carter, 4223 N. West Pinion Cr., commented on the entryway to The Landing. He said that many residents of the subdivision are willing to donate time and materials. He has some trees he can donate.

## **CITY COUNCIL/MAYOR ITEMS**

### **5. CITY COUNCIL COMMENTS**

#### Councilmember Ireland

Councilmember Ireland thanked the residents for attending this meeting and expressing their concerns and suggestions. He asked those who had written their comments to email them to the Mayor and Council. He took a short poll of the audience, asking what their primary concerns are about the bike park. He commented on Mr. Thompson's question about how to allocate recreation funds, questioning how the Council should decide which sport to support.

#### Councilmember Lifferth

Councilmember Lifferth expressed appreciation for the audience's participation and well-thought-out comments. He wanted to see the details of the bike park proposal. He was pleased with the discussion of the building usage policy and hoped it would be implemented in such a way as to allow City Hall to be an asset to the residents. He commended Mayor Jackson on how effectively work sessions have been conducted.

#### Councilmember Burnham

Councilmember Burnham appreciated the audience's well-thought-out comments, saying that local government is the level at which residents can have the greatest impact. She reported that she attended the first meeting of the Youth City Council and invited more youth to come to the next meeting. She brought up the 35-mile-per-hour speed limit at the entrance to SilverLake, which is unsafe.

#### Councilmember Cieslak

Councilmember Cieslak thanked the audience for attending and making public comments. The City Council needs help with answers to issues. He would like to see town hall meetings held for the bike park, as they were held for the skate park. He agreed with Councilmember Ireland that the Council needs to consider how to decide which interest groups to support. Tax monies need to be used to benefit as many residents as possible.

#### Councilmember Ochsenhirt

Councilmember Ochsenhirt commended the audience for attending and commenting in an organized and respectful way. He said public comments are very important. He has received the same complaint as Councilmember Burnham about the speed limit at SilverLake. He has heard many comments requesting city-wide recycling. Cost is an issue at the moment, but he strongly endorses it and the cost should be investigated. He was looking forward to progress in parks and recreation.

#### Mayor Jackson

Mayor Jackson commented on preserving the history of the city. The pictures of previous mayors have been removed from display in City Hall, to be replaced by a new plaque with all mayors and their terms listed, as well as a picture of the current mayor. She called Lt. Castleberry and Sgt. McDowell of the Sheriff's Office to the podium and presented them with a picture of Eagle Mountain's deputies for display in their office. She announced proposed donations of a statue of one of the city's founders and a statue of a Pony Express rider.

6. BOARD APPOINTMENTS

Parks and Recreation Advisory Board

Mayor Jackson recommended the appointment of Bryan Free to the Parks and Recreation Advisory Board for a term of 3 years, Susan Hayward for a term of 2 years, Chad Thueson for a term of 2 years and Jared McLaughlin for a term of 1 year. Councilmember Cieslak **moved** to approve the appointment of Bryan Free to the Parks and Recreation Advisory Board for a term of 3 years, Susan Hayward for a term of 2 years, Chad Thueson for a term of 2 years and Jared McLaughlin for a term of 1 year. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

Youth City Council Advisors

Mayor Jackson recommended the appointment of Alicia Hill and Robert Hill as Youth City Council Advisors, with Robert Hill as Chair. Councilmember Burnham **moved** to approve the appointment of Alicia Hill and Robert Hill as Youth City Council Advisors for one-year terms, with Robert Hill as Chair. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

City Recorder Fionnuala Kofoed administered the oath of office to Susan Hayward, Alicia Hill and Robert Hill. Bryan Free, Chad Thueson and Jared McLaughlin were not present and will receive the oath of office at a later date.

7. PRESENTATION – New city web site – Linda Peterson, Public Information Coordinator

**CONSENT AGENDA**

3. Councilmember Cieslak **moved** to approve the following item on the consent agenda:

MINUTES – March 18, 2008 – Regular City Council Meeting

Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

**SCHEDULED ITEMS**

9. RESOLUTION – Consideration and adoption of a resolution amending the Eagle Mountain City Policies and Procedures Manual

City Administrator John Hendrickson presented a resolution amending the Policies and Procedures Manual. The Eagle Mountain City Council adopted the current Policies and Procedures Manual for City employees in January, 2008. This proposed resolution amends Section 1 of the Employee Code of Personal Conduct to require that employees speak English during working hours, unless a member of the public requires communication in another language.

Councilmember Lifferth **moved** to adopt Resolution R-11-2008, amending Section 1 of the Employee Code of Personal Conduct in the Eagle Mountain City Policies Manual to require that employees speak

English during working hours, unless a member of the public requires communication in another language. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

10. MOTION – Consideration and approval of temporary directional signage for a dog fair

An application for temporary directional signage was presented by Planning Director Peter Spencer. The applicant proposes to place twelve temporary signs at specified locations leading from major roads within Eagle Mountain to Nolan Park. The signs will advertise the “Pimp My Pooch” dog fair benefiting the Humane Society of Utah, which will be held on April 12 from 1:00-6:00 p.m. The proposed signs will be placed no sooner than 48 hours prior to the event and they will be removed no later than Monday, April 14, 2008.

Councilmember Ireland **moved** to approve a motion to allow directional signage for a dog fair, to be located per City staff recommendation. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## CITY COUNCIL/MAYOR’S BUSINESS

### Councilmember Ireland

Councilmember Ireland suggested that improving the entryway to The Landing be a priority.

### Councilmember Cieslak

Councilmember Cieslak referred to the public hearing about the Jax gravel pit, which was extremely emotional. He commended the audience for their professionalism in making public comments at tonight’s meeting.

### Councilmember Lifferth

Councilmember Lifferth mentioned that he received an email from Chief Andrus with items to be considered on the building use policy.

### Councilmember Burnham

Councilmember Burnham had no comment.

### Mayor Jackson

Mayor Jackson stated that she will be out of town from Wednesday afternoon until Thursday evening. Councilmember Lifferth will act as Mayor Pro Tem if Mayor Jackson cannot be reached. Councilmember Burnham will attend the Thursday evening’s MAG meeting in Mayor Jackson’s place.

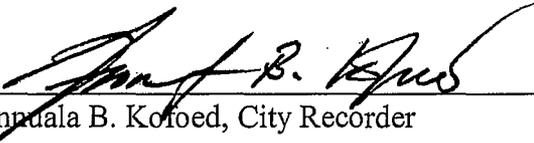
## CITY ADMINISTRATOR ITEMS

Mr. Hendrickson reminded the Council that a preliminary budget meeting will be held on Friday, April 4, at 4:00 p.m. He announced that he would be out of town next week at the Utah League of Cities and Towns convention. In his absence, Ifo Pili will be Acting City Administrator.

## ADJOURNMENT

Councilmember Cieslak **moved** to adjourn the meeting at 8:54 p.m.

APPROVED BY CITY COUNCIL APRIL 15, 2008

  
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Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

April 15, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:05 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham (participated telephonically), Eric Cieslak, Ryan Ireland, David Lifferth (arrived 4:36 p.m.) and Nathan Ochsenhirt (participated telephonically)

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Jeff Weber, Assistant Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant

**DISCUSSION/REVIEW ITEMS**

1. PRESENTATION – Lehi Chamber of Commerce – David Palomares, Diane Bradshaw
2. DISCUSSION – Proposed Executive Order of Mayor Regarding Volunteers – John Hendrickson

**AGENDA REVIEW**

3. The City Council reviewed items on the consent agenda and policy session agenda.

**CITY ADMINISTRATOR INFORMATION ITEMS**

4. This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.

The City Council set the next budget review meeting for Tuesday, April 29, at 3:00 p.m.

The update on the sewer treatment facility was moved to the policy session.

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

Councilmember Lifferth **moved** to adjourn to a closed executive session for the purpose of discussing reasonably imminent litigation, the purchase of real property, and the professional competence of an individual, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

The City Council adjourned to a closed executive session at 6:18 p.m. for the purpose of discussing reasonably imminent litigation, the purchase of real property, and the professional competence of an individual, pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

### **7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:12 p.m. Josh Jensen led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham (participated telephonically), Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenschirt (participated telephonically)

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Senior Planner; Dave Norman, Staff Engineer; Jeff Weber, Assistant Public Works Director; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant

### **INFORMATION ITEMS/UPCOMING EVENTS**

- Five soldiers from the 116<sup>th</sup> Sec Force are coming home from Iraq about 5:00 tomorrow afternoon. Yellow ribbons will be placed along Ranches Parkway from SR 73 to Pony Express Parkway, and along Pony Express Parkway to City Hall. Residents are invited to come out along the route at 4:45 p.m. The Sheriff's Dept. & Fire Dept. will escort the soldiers. Mike Jones, Steven Barlow, Matthew Felt, David Santiago and Jacob Webber. Mayor Jackson requested that residents notify the City when any soldier returns home from deployment. Ribbon cutting for new Eagle Valley Elementary School classrooms, April 17, 2:30 p.m.
- Town Hall meeting with area elected representatives Sen. Mark Madsen, Rep. Ken Sumsion, Commissioner Larry Ellertson and a representative from Congressman Cannon's office, April 23, 6:30 p.m. at City Hall
- A curbside recycling poll is on the home page of the City website. Residents are requested to vote on whether they would be willing to pay up to \$7 per month for a curbside recycling program.
- Neighborhood Watch volunteers are needed. Residents may contact the Sheriff's Office at 789-6701.
- Spring cleanup is now through April 30 or until the dumpsters are filled. Six dumpsters will be available at Public Work from 8:30 – 5:30 Mondays through Fridays and 8:30 – noon on Saturdays.
- Senior Advisory Council activity, outdoor planter potting, April 25, 5:00 p.m. at City Hall

Councilmember Lifferth asked Mayor Jackson if the City could provide some kind of recognition to soldiers who returned from deployment before this week's event.

### **PUBLIC COMMENTS**

Ms. Chelsea Garner, 4192 N. E. Pinion Circle, requested that the open space behind her house be cleaned up. It has a pile of garbage, including cement blocks and rebar, which is a danger to children

walking through there. That same open space floods every spring and flooded her yard last February. The flooding may have killed the trees and sod she planted last fall. She thanked the Public Works Department for pumping the water out and asked that the problem be solved so water runs off to where it should be. She would also like the area landscaped.

Mr. Josh Jensen, 1799 W. Pinion Circle, said he and another Scout would like to do an Eagle Scout project to beautify The Landing's roundabout and wondered if the City be willing to donate. They have spoke to a landscape architect, who drew up some plans for them. The project would make the area safer and more beautiful. He plans to do water-wise planting to reduce water use. He has been unable to contact Jeff Weber, the Assistant Public Works Director.

Mayor Jackson asked Staff Engineer Dave Norman to talk to Josh after this evening and get some information about the project.

Mr. Logan Freeman, 1860 Juniper Drive, spoke about the roundabout at The Landing. He emailed several people two weeks ago and has not received any response. The Scouts have planned a lot and they need feedback on what is allowed. Regarding the lots he mentioned last time, the owners can be found in public records.

Mayor Jackson responded that the issue was not finding out who the owners were, but that the City has no authority to pressure the owners to take care of their land.

## **CITY COUNCIL/MAYOR ITEMS**

Mayor Jackson described the new volunteer program being established by Executive Order. The plan was arranged with the City's insurer to comply with the insurer's requirements. Volunteer projects will require a project sponsor, who will submit a written plan 15 days prior to the project. The City will review the plan. If the plan is approved, all participants 18 and over will be required to sign a waiver of liability and a volunteer service agreement. Younger participants will not have to sign a waiver, but must be under the direct supervision of the project sponsor. A list of possible volunteers may be submitted with the plan so waiver forms can be signed at the event, then turned in after project completion.

### CITY COUNCIL COMMENTS

#### Councilmember Ochsenhirt

Councilmember Ochsenhirt asked residents not to over-water their lawns. Conserving water reduces stress on the aquifers. He thanked the Mayor for her hard work, including implementing the volunteer program.

#### Councilmember Ireland

Councilmember Ireland stated that he would like to see the Public Works Board reactivated.

#### Councilmember Lifferth

Councilmember Lifferth expressed appreciation for the City's welcome to the soldiers. He requested that soldiers who returned before this week's event be invited to a City Council meeting to be recognized and that the residents be informed that the families of soldiers be informed of the utility rate reduction for families of active military personnel. He was happy with the volunteerism in the city and that the volunteer program has been addressed. He was encouraged by the rational discussions being

held about the proposed bike park and other parks. He expressed appreciation for the cooperation among Council members and the Mayor.

Councilmember Burnham

Councilmember Burnham was grateful that the volunteer program has been addressed. She apologized for not responding to Mr. Freeman's email. She also thanked City Recorder Fionnuala Kofoed for facilitating hers and Councilmember Ochsenthirt's phone participation in this meeting.

*\*\*Councilmember Cieslak's comments were transcribed verbatim at the request of Councilmember Lifferth.\*\**

Councilmember Cieslak

Thank you. I, the bike park's been weighing heavily on my mind lately, primarily because I've been receiving a lot of comments in regards to it. And that's OK. That's how it should be. As members of a governing board, we are here to hear what the citizens have to say. I realize it is difficult to get up and speak to a group. I had that experience as a candidate when Councilmember Lifferth invited us to get up and I sat down kicking myself, thinking how, thinking how dumb I sounded, or I should have said something different. It's a very, it's an intimidating experience and so I, I appreciate when people show up and make comments and I want them to understand that, that we all do. Having said that, I do believe that there does need to be a standard adhered to by groups hearing this, these comments. I do believe that the standard for this should be kindness at best and professionalism at worst. There should never be an opportunity or an event where a comment is made in the presence of the public that in any way disparages or demeans them or their intent in getting up. I'm always disheartened and disappointed to hear if anything like that has ever happened. And I feel that, as a City Council, we've worked very hard to establish a sense of cooperation among ourselves, as well as a standard of behavior, and I believe that that same standard should be adhered to by all of our other governing entities, be it the City Council, be it the Planning Commission, be it any other group or board that represents the City, that's approached by a resident within the city. We should never lose sight of the fact that we're in this position because several people, about 1,300 people in my case, cast a vote saying that they wanted me to be up here and I know that everybody up here hasn't lost that sight. I would encourage us all to remember that and to remember that we're dealing with the residents and the public, that our comments are, again, kind at best and professional at worst.

I think that there are a couple of things that we could do. I would like to see the City educate the residents on what boards perform what type of service and how to, what type of comments to bring to those boards. I think that we could accomplish this by education through the newsletter, as well as making information available on our web site that would inform residents as to what particular boards are responsible for and therefore, what they should talk to those boards about. Another way that I think that we could accomplish this is probably by modifying our public comment form a bit and saying for this particular meeting, this is what the board is focusing on and so you should talk in this, this manner, i.e., code or whatever else, but this, I appreciate, again, everybody getting up and making comments. It's a difficult thing, I know, and I haven't forgotten that.

On another note, I attended the volunteer meeting this past week and I appreciate all the individuals who came to show up to, to volunteer to that. We have a great opportunity with Pony Express Days to make this pending celebration a great one, but we can't do that without the help of the residents, and so I encourage everybody to volunteer and to do everything that you can to help us make this Pony Express Days celebration as successful as possible.

*\*\*End of verbatim transcription\*\**

Mayor Jackson

Mayor Jackson said that the Public Works Board is embedded in the Public Works ordinance. The City is working on separating the Board into its own ordinance. Only one current member wishes to remain on the Board. She liked the idea of posting volunteer program information and forms on the web site and asked Public Information Coordinator Linda Peterson to do so. On the recycling poll, Ms. Peterson said approximately 70 residents have responded; 70% of those were in favor. Mayor Jackson apologized to Mr. Freeman for not responding to his email. She hopes to set up an improved email response system. She agreed with Councilmember Cieslak about enabling residents to tailor their comments to the type of meeting being held. She mentioned that Eagle projects need to be fast-tracked, as projects have to be completed before Scouts turn 18.

**CONSENT AGENDA**

The Mt. Airey Park project bid award was removed from the consent agenda.

Councilmember Lifferth **moved** to approve the following items on the consent agenda:

7. MINUTES – April 1, 2008 – Regular City Council Meeting, as amended
8. BID AWARDS
  - SilverLake street trees
  - Purchase of a large-area lawn mower
9. CHANGE ORDER – Kyle Widdison test pump services and equipment rental
10. CHANGE OF SCOPE
  - Stanley Consultants booster pump station and survey for power easement
11. DEVELOPMENT AGREEMENT – Meadow Ranch 7
12. PROFESSIONAL SERVICE AGREEMENTS
  - Design and construction management services for a 2 million gallon reservoir
  - Design services for a water system master plan

Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

**SCHEDULED ITEMS**

15. Item 15 on the agenda was placed first at the meeting.  
PUBLIC HEARING – Consideration of an amendment to the General Plan and Ranches Master Plan and zoning change for Joe's Dugout

The amendments were presented by Senior Planner Steve Mumford. The Planning Department has received an application for an amendment to the General Plan and Ranches Master Plan and a zoning change for the 36.5-acre parcel (Utah County Parcel ID 58:040:0326 & 58:040:0188) located along Pony Express Parkway and just north of the new elementary school west of the Hidden Canyon

subdivision. The proposal is to amend The Ranches Master Plan to allow for additional commercial land to be developed.

The current approval for this parcel in The Ranches Master Plan is Village Core and consists of 290 residential units and six acres of commercial development. The proposal is to keep the Village Core zoning, but increase the amount of commercial land to be developed. The number of approved residential units would be reduced to 190 total units. Proposed are 21.7 acres of residential/commercial space and 14.7 acres of open space. The Village Core zone allows for detached and attached single family dwellings as permitted uses. All types of retail sales, business offices, banks, restaurants, apartments or condominiums, and professional offices are allowed as conditional uses. No industrial or warehouse space would be permitted.

*\*\*Mayor Jackson opened the public hearing at 8:02 p.m. Hearing no comments, she closed the hearing.\*\**

Councilmember Lifferth stated that this is a historic area, as it was the site of a Pony Express station. He hoped that development there will draw positive attention to Eagle Mountain's history. He wanted businesses there to be successful, but wished them to accent the area's history.

Mayor Jackson agreed wholeheartedly. She encouraged the applicant to take this information back to the property owner. She suggested that a plaque might be placed in an area where the topography is not suitable for building.

Councilmember Ireland requested that plans for the project include consideration of the safety of children walking to school.

This item was a public hearing only. The Council did not vote on the matter.

13. RESOLUTION – Consideration and adoption of a resolution confirming the appointment of John F. Hendrickson as representative of the City to the Intermountain Municipal Gas Agency and confirming and ratifying the execution of a base contract for sale and purchase of natural gas

The IMGGA resolution and agreement were presented by City Attorney Jerry Kinghorn. Mr. Hendrickson was appointed as the representative of the City by former Mayor Richardson. The Council needs to confirm and ratify the appointment of Mr. Hendrickson as representative to IMGGA for the City. The agreement before the Council is the base agreement between IMGGA and BP Energy for the City's wholesale natural gas purchase transactions.

Councilmember Cieslak **moved** to adopt Resolution R-12-2008, confirming the appointment of John F. Hendrickson as representative of the City to the Intermountain Municipal Gas Agency and confirming and ratifying the execution of a base contract for sale and purchase of natural gas. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

14. RESOLUTION – Consideration and adoption of a resolution ratifying the guaranty agreement of April 1, 2007, with BP Energy Company

City Attorney Jerry Kinghorn presented a resolution ratifying a guaranty agreement with BP Energy Company. In April of 2007, the guaranty agreement before the Council was executed to comply with

the IMGA agreement which requires participating entities to guarantee payment for natural gas delivered to the City through the agreement between BP Energy and IMGA. BP Energy did not require a City Council resolution when the agreement was signed in 2007. They have asked us to have the guaranty agreement ratified by the City Council.

Councilmember Cieslak **moved** to adopt Resolution R-13-2008, ratifying the guaranty agreement of April 1, 2007, with BP Energy Company. Councilmember Burnham **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

16. MOTION – Consideration and approval of a special permit for a temporary archery range for the National Field Archery Association (NFAA)

Senior Planner Steve Mumford presented a proposed special permit for a temporary archery range. For the last several years, The Ranches has hosted a temporary archery range for an NFAA event. Written permission has been obtained from the property owners. The road which will be used by the archery participants will be separate from the one being used by the elementary school. The Development Review Commission (DRC) is pleased when special events occur within in the City; however, the DRC also recognizes that a special event may increase demands for services such as policing. Additionally, the DRC is concerned with the impacts of a relatively large number of people congregating in a small area and has recommended the following conditions:

1. That the temporary archery range be permitted for April 19-20, May 17-18 and June 14-15, 2008.
2. That the applicant obtain special burn permits for any campfires and comply with all requirements outlined by the Fire Chief.
3. That the site be returned to its pre-event state following the event.
4. That if the special event creates an increase in the demands for public safety services that those services shall be provided by the applicant.
5. That the archery range comply with safety standards required by the Utah County Sheriff's Office and the National Field Archery Association (NFAA) and that the applicant provide security to monitor the perimeter of the archery range to prohibit non-participants from accessing the range.
6. That road base or gravel is used at the connection of dirt roads and paved roads as required by the City Engineer.
7. That there are sufficient public facilities such as restrooms.
8. That the City Recorder and City Attorney ensure that all of the insurance forms and the permission of the property owners have been submitted.

Councilmember Lifferth **moved** to approve a motion approving a special permit for a temporary archery range for the National Field Archery Association (NFAA), subject to the conditions listed above. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

17. AGREEMENT – Consideration and approval of an agreement with the Utah County Sheriff's Office

An agreement with the Utah County Sheriff's Office was presented by City Attorney Jerry Kinghorn. The City has contracted for law enforcement services with the Utah County Sheriff's Office under a

2002 agreement which is now being renegotiated. The City and the County have informally adjusted the terms of the 2002 agreement to add additional services and deputies. The agreement before the Council deletes the provision in the 2002 contract which required the City to indemnify the County in the case of claims against the County and the Sheriff's Office and provides for additional deputies, periodic adjustment of costs and services and credit for citation fines paid to the Utah County Justice Court. The agreement will renew annually for five years. The amount is \$100,000 less than the initial amount proposed by Utah County Commission.

Lt. Castleberry stated that additional reductions may be made in the contract costs. The information on the revised costs should be available by May 1. In addition, a grant may be available for a school resource officer. Information on that should be available in May, as well.

Councilmember Cieslak asked if the agreement should be tabled until a future meeting, after the costs have been finalized. Mayor Jackson responded that the Council is approving the language of the agreement this evening, not the specific costs involved.

Councilmember Cieslak **moved** to approve an agreement with the Utah County Sheriff's Office. Councilmember Ireland **seconded** the motion.

Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

#### CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ireland

Councilmember Ireland had no comments.

Councilmember Lifferth

Councilmember Lifferth had no comments.

Councilmember Burnham

Councilmember Burnham had no comments.

Councilmember Cieslak

Councilmember Cieslak requested lists of those serving on City boards and their terms of office, for the purpose of making it easier to inform those who are interested in serving when a board seat is available. Mayor Jackson responded that the City Recorder would make those lists available to Council members.

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comments.

Mayor Jackson

Mayor Jackson had no comments.

#### CITY ADMINISTRATOR ITEMS

Mr. Hendrickson asked Staff Engineer Dave Norman to give an update on the progress of the new wastewater treatment plant. The Engineering Department received prequalification packages from four contractors. Those will be reviewed by City staff and Stantec. The project is expected to go out to bid

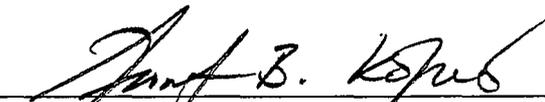
in May, with the intent to bring the bid award to the Council in early June. The anticipated substantial completion date is April 30, 2009, with the final completion date being May 30, 2009. HJ stated that she would like to have a groundbreaking during Pony Express Days.

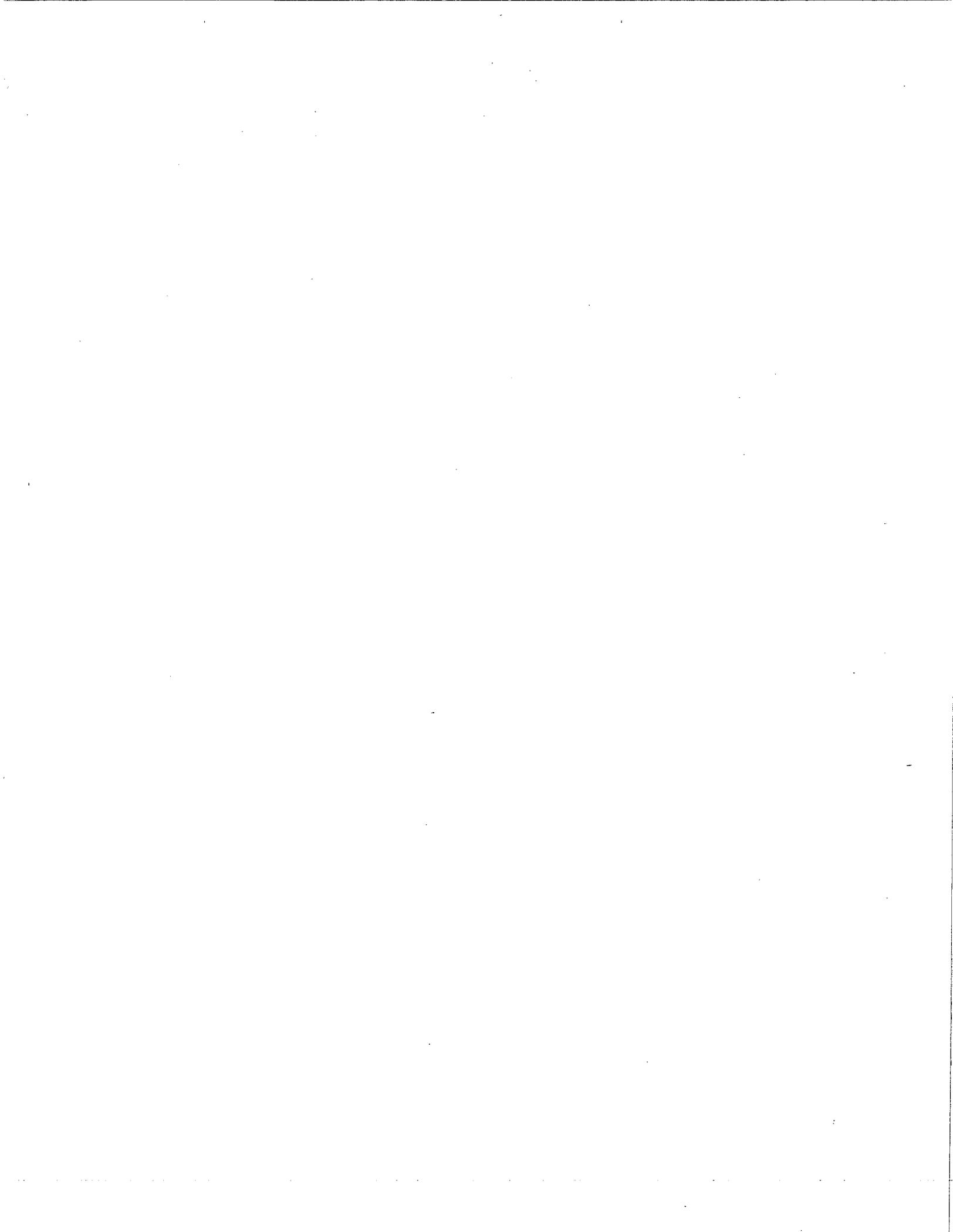
Mr. Norman mentioned that he is on the TSSD Board. He informed the City Council that TSSD has approximately \$15 million in operation and maintenance projects which need to be done in the near future. These will lead to rate increases in the North Service Area. He also recommended that after the City's water system master plan is completed, a wastewater master plan should be created. The plan may indicate that all of the city's wastewater treatment be managed through the wastewater treatment plant, rather than using TSSD for the North Service Area.

#### ADJOURNMENT

Councilmember Cieslak **moved** to adjourn the meeting at 8:38 p.m.

APPROVED BY CITY COUNCIL MAY 1, 2008

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder



**MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING**

May 6, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:13 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Management Analyst; Jason Walker, Management Analyst; Eli Jones, Management Intern; Flint Mensah, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

**DISCUSSION/REVIEW ITEMS**

1. PRESENTATION – Colonel Robert Dunton of Camp Williams
2. DISCUSSION – Updates to construction standards – Chris Trusty, Public Works Director
3. DISCUSSION – Council liaisons for boards and committees – Mayor Jackson
4. DISCUSSION – Bid for skate park design – Jason Walker, Management Analyst

**AGENDA REVIEW**

The City Council reviewed items on the consent agenda and policy session agenda.

**CITY ADMINISTRATOR'S INFORMATION ITEMS**

6. Update on the sewer treatment facility – Chris Trusty, Public Works Director

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

Councilmember Burnham **moved** to adjourn to a closed executive session for the purpose of discussing reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Cieslak **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

The City Council adjourned to a closed executive session at 5:58 p.m.

### **7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:18 p.m. Staff Sgt. Mike Jones led the Pledge of Allegiance.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Management Analyst; Jason Walker, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

### **INFORMATION ITEMS/UPCOMING EVENTS**

- The Library will be closed until May 12 due to a computer server crash.
- A benefit concert for the Pemberton family, whose mother and unborn child passed away, will be held at the SilverLake Amphitheater, May 17, 4:00 – 8:00 p.m.
- Pony Express Days begins on May 27 with the baby contest.
- The key ceremony for a home donated to Sgt. Gordon Ewell, a disabled Iraq veteran, and his family will be held on Friday, May 30, 4:00 p.m., with an open house at 2:00 p.m.
- City Special Events Coordinator Lynn Story passed away in her sleep on Sunday. Pony Express Days will be dedicated to her.
- CUP awarded an interim allocation of 3,000 acre-feet of water to the City last Thursday, allowing the City to buy water as needed.
- Lehi City met with UDOT last week to resolve the MountainView corridor route and agreed to the 21<sup>st</sup> North route.
- The Mayor will be absent from the May 20 City Council meeting, as she will be at the ICSC retail convention to recruit businesses to the commercial area around the grocery store to be built in the Ranches, Coop's Market.

### **7. PUBLIC COMMENTS**

Ms. Mary Lynn Christensen, 4113 W. Pinion Circle, thanked the City for cleaning up the construction waste left from reconstruction of a water pipe at The Landing roundabout. She also asked if the arsenic level in the City's drinking water had been brought into compliance with State standards.

Mr. Jerry Staker, 3755 St. Andrew's Drive, raised the issue of parking not being allowed on that street. He stated that parking is needed there and recommended that the median be reduced to make the street wide enough to allow safe parking. He indicated that this could be a liability issue for the City. There is no signage or other information that parking is not allowed, yet people are being ticketed unfairly for parking on the street.

Mayor Jackson responded to Ms. Christensen that arsenic is only a problem with well #2. The well will be taken out of service in January if it is not yet in compliance.

She thanked Mr. Staker for included a recommended solution in his comments. She asked Mr. Trusty what the City planned to do, since narrowing the median is not a practical solution for the City at this time. He said that signs may be installed. Mayor Jackson said the City is considering posting a list of no-parking streets on the website.

## 8. CITY COUNCIL/MAYOR'S ITEMS

### CITY COUNCIL COMMENTS

#### Councilmember Burnham

Councilmember Burnham expressed condolences to Lynn Story's family and the City staff who worked closely with her. She thanked the staff members who are stepping in to help with Pony Express Days. She expressed gratitude to soldiers and their families. Her dad was in the military, so she knows how difficult military service is on soldiers' families.

#### Councilmember Cieslak

Councilmember Cieslak also expressed condolences to the Story family. He said that Lynn brought a smile to everyone's faces. He echoed Councilmember Burnham's comments about the military. He recognized Angie Ferre, the Mayor's Executive Assistant, for all of her outstanding work for the City, especially for stepping up and taking charge of Pony Express Days. Referring to his suggestions at the last meeting regarding public comments, he again requested discussion or action on revising the forms to indicate what kinds of comments would be appropriate on various board meetings.

#### Councilmember Ochsenhirt

Councilmember Ochsenhirt expressed condolences to Lynn's family and gratitude for her services to the City. He praised employees and residents who are willing to serve the city, especially Angie Ferre. He commented again, as he had at a previous meeting, on the speed limits at the entry to SilverLake. He has received many complaints from residents.

#### Councilmember Ireland

Councilmember Ireland responded to EC, saying Planning Commissioners received an email regarding the role of the Planning Commission vs. that of the City Council. That might be a starting point for discussions of how to manage public comments. He asked that as many people as possible attend Lynn's funeral.

#### Councilmember Lifferth

Councilmember Lifferth echoed the Council's sentiments to Lynn's family. He congratulated the Mayor, Council and staff for successfully having a grocery store located in the city. He mentioned county and state political conventions and encouraged residents to participate.

#### Mayor Jackson

Mayor Jackson spoke to those who made public comments, saying that those issues are in the process of being solved, but she didn't communicate the progress well. She explained that the road is a collector road, which normally has a speed limit of 35 mph. Discussion ensued regarding homes located along the road, which require a lower speed limit for safety. She responded to EC, saying that the issue is under discussion.

9. PRESENTATION

Mayor Jackson presented letters of appreciation to local military personnel, Matthew Felt and Mike Jones, who have recently returned from deployment in Iraq. Letters will be mailed to those who were unable to attend the meeting.

10. OATH OF OFFICE

City Recorder Fionnuala Kofoed administered the oath of office to Deputy Recorder Jenalee Harper.

11. BOARD APPOINTMENT

Parks and Recreation Advisory Board

Mayor Jackson recommended the appointment of Ms. Lynnette Rose to the Parks and Recreation Advisory Board for a term of 3 years. Councilmember Lifferth **moved** to approve the appointment of Ms. Lynnette Rose to the Parks and Recreation Advisory Board for a term of 3 years. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Rose.

**CONSENT AGENDA**

Councilmember Lifferth requested that the Proclamation for Military Appreciation Week be removed from the consent agenda and moved to the policy session agenda.

Councilmember Ireland **moved** to approve the following items on the consent agenda:

12. MINUTES – April 15, 2008 – Regular City Council Meeting

13. BID AWARDS

Ranches Parkway Slurry Seal  
Valley Drive Pulverize & Pave

14. PROFESSIONAL SERVICE AGREEMENTS

Cost summary and construction management with URS for Sweetwater Trail completion  
Design Workshop for master parks and trails plan

15. FINAL BOND RELEASE

SilverLake 6  
SilverLake 7

16. SITE PLAN APPROVAL – Dr. Hart’s dentist office site plan

Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## SCHEDULED ITEMS

### 17. PROCLAMATION – Military Appreciation Week

Mayor Jackson read the proclamation declaring the week of May 26, 2008, Military Appreciation Week in Eagle Mountain City.

Councilmember Cieslak **moved** to approve the proclamation declaring the week of May 26, 2008, Military Appreciation Week in Eagle Mountain City. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

### 18. PUBLIC HEARING – Consideration of an amendment to the SITLA Master Development Plan Land Use Map and associated changes to the Master Development Agreement – discussion item

Senior Planner Steve Mumford presented the amendment to the SITLA Master Development Plan Land Use Map and associated changes to the Master Development Agreement. The SITLA Master Development Plan, also known as the State of Utah School and Institutional Trust Lands Administration Master Development Plan, was originally approved in 2003. The plan includes 1,196 acres in the mid-valley parcel and 151 acres in the Pony Express parcel. The applicant has proposed an amendment to the Master Development Plan to modify the alignment of Airport Road, add up to 119 acres of Satellite Commercial zoned land, modify the area zoned Village Core, adjust some minimum lot sizes and add another school site. Since the changes to the agreement are a result of the changes to the Land Use Map, SITLA requested that they be considered simultaneously, rather than separately. The text of the Master Development Agreement amendment has not yet been finalized.

Mayor Jackson invited SITLA's representative, Mr. McKay Edwards, to comment on the amendment. He said at the time of the original agreement in 2003, the land had not been surveyed. Additionally, the City has changed since then. The amendments reflect those changes. He felt that development in the SITLA area may join the separate areas of the city, The Ranches and City Center. He asked the City to commit to encouraging Alpine School District to locate the high school on SITLA land, as the school district seems to be considering other locations.

Mayor Jackson responded that she had not heard of the school district looking at other locations for a high school, but it was doing so for a junior high school location.

Discussion ensued regarding the school district's location of schools, alignment of the SITLA Master Development Plan with planned City land uses and future development of the land. Mr. Edwards stated that SITLA would like to find a large-scale master developer to develop the land. The preference would be to begin with commercial development. He also mentioned SITLA's financial support of parks and trails.

Councilmember Ochsenhirt objected to having a density of six units per acre in multi-family areas. Mr. McKay responded that six units per acre is a low density for multi-family areas. The intent is to create walkable community areas.

*\*\*Mayor Jackson opened the public hearing at 8:37 p.m. Hearing no comments, she closed the hearing.\*\**

This was a discussion item and did not require action by the City Council. Action will be taken at the next meeting.

19. PUBLIC HEARING – Consideration of commercial and multi-family design standards as Title 1, Chapter 11, and amendments to Title 1, Chapter 20, Site Plan Reviews, of the Development Code – discussion item

Amendments to the Development Code were presented by Senior Planner Steve Mumford. Increased commercial and multi-family development in Eagle Mountain has created concern for the preservation of the character and quality of neighborhoods and buildings in the city. An effective method of attracting higher-quality development is to create site design and architectural standards to govern some of the key elements creating aesthetically pleasing, pedestrian-friendly, and functional commercial and multi-family projects. The Planning Department has proposed a document for consideration, to be included as a chapter in the Eagle Mountain City Development Code, entitled Commercial and Multi-family Design Standards. The addition of the proposed commercial and multi-family design standards, if approved, requires language to be added to Title 1, Chapter 20, entitled Site Plan Reviews, in order to tie design standards to the site plan review process.

Elements to be considered include building orientation and articulation, architectural details, landscaping, parking and open space, etc. The standards will require large parking areas and other unsightly items to be generally hidden from street view.

The Planning Department sent the proposed standards to many developers, builders and landowners, most of whom responded positively.

*\*\*Mayor Jackson opened the public hearing at 8:58 p.m.\*\**

Ms. Nikki Wickman, 2766 Ft. Hill Road, expressed appreciation for the improved standards. She mentioned existing multi-family developments separated by large fields, which is very unattractive. She suggested that high-density projects be limited in certain acreages, so smaller areas are not excessively dense, but fall within density guidelines because of adjacent undeveloped areas.

Ms. Elise Erler, SITLA, supported the amendment to the Development Code, including the photographs showing examples of acceptable development. She said it would help SITLA to hold developers of their land to high standards, as well.

Mr. Don Filler, 1845 Church Street, approved of the quality proposed for the multi-family housing, as opposed to the many unattractive multi-family projects in the state.

Mr. McKay Edwards, SITLA, echoed Ms. Erler's comment that SITLA supports the proposed standards. He did not feel that higher standards would discourage development, but would protect owners' and developers' investments. He pointed out that large retailers have incorporated similar design standards in their stores in other parts of the country.

*\*\*Mayor Jackson closed the public hearing at 9:04 p.m.\*\**

This was a discussion item and did not require action by the City Council. Action will be taken the next meeting.

20. RESOLUTION - Consideration and adoption of a resolution accepting the FY 2009 tentative budget, setting the budget public hearing for June 17, 2008, and directing such notice to be published

City Administrator John Hendrickson presented the FY 2009 tentative budget in a total amount of approximately \$51 million. Approximate fund amounts are as follows:

- \$9.1 million General Fund
- \$4.25 million Debt Service Fund
- \$16 million Enterprise Funds
- \$20 million Capital projects

Major capital projects include:

- \$8.5 million sewer plant
- \$6 million water issues
- \$4.5 million electric substation
- \$1 million roads
- \$1.8 million park improvements

The approximately 10% General Fund increase is primarily due to law enforcement and fire protection. There are no utility rate increases. Some proposed projects exceed the expected funds available and will only be approved if revenues are adequate.

Councilmember Burnham **moved** to adopt Eagle Mountain City Resolution R-14-2008, accepting the FY 2009 tentative budget as amended during work session, setting the budget public hearing for June 17, 2008, and directing such notice to be published. Councilmember Lifferth **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

21. ORDINANCE – Consideration and adoption of an ordinance amending the General Plan for the Joe’s Dugout commercial project

An ordinance amending the General Plan was presented by Planning Director Peter Spencer. The City Council held a public hearing for an amendment to the General Plan for the Joe’s Dugout commercial project at the April 15, 2008, City Council meeting. The property is located along Pony Express Parkway north of the new Hidden Hollow Elementary School. The ordinance being presented to the City Council formalizes the amendment to the General Plan for Joe’s Dugout.

Councilmember Lifferth **moved** to adopt Eagle Mountain City Ordinance O-09-2008, amending the Eagle Mountain City General Plan for the Joe’s Dugout commercial project. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

22. ORDINANCE – Consideration and adoption of an ordinance of Eagle Mountain City rezoning 36.5 acres for Joe’s Dugout to R2N1 Village Core use

Planning Director Peter Spencer presented an ordinance rezoning 36.5 acres for Joe’s Dugout to R2N1 Village Core use. The City Council held a public hearing for rezoning Joe’s Dugout at the April 15, 2008, City Council meeting. The property is located along Pony Express Parkway north of the new

Hidden Hollow Elementary School. The ordinance being presented to the City Council formalizes the rezoning for Joe's Dugout.

Councilmember Cieslak **moved** to adopt Eagle Mountain City Ordinance O-10-2008, rezoning 36.5 acres for the Joe's Dugout commercial project to R2N1 Village Core use. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

23. AGREEMENT – Consideration and approval of an Interlocal Fire Agreement with Utah County

An Interlocal Fire Agreement with Utah County was presented by Fire Chief Rand Andrus, president of the Utah County Fire Chiefs' Association. The agreement being presented to the City Council allows the Eagle Mountain Fire Department to receive and provide assistance to surrounding communities as needed. The Utah County contract was created by the County Fire Chiefs and will be presented to the County Commissioners. Previously, there were three or four different agreements with cities to provide fire service to unincorporated areas in the County.

Councilmember Lifferth **moved** to approve an Interlocal Fire Agreement with Utah County. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

24. MOTION – Authorizing the Mayor to execute a letter of support for a study of a Utah County Dispatch District

City Administrator John Hendrickson presented a letter of support for a study of a Utah County Dispatch District. Currently, the Sheriff's Office, Provo, Orem and Pleasant Grove provide public safety dispatch services. The County Commission and the Sheriff's Office are interested in moving toward a consolidated dispatch system for Utah County. Consolidating dispatch services under a County-wide district will provide for more consistent coverage and allow for alternative funding.

Councilmember Lifferth **moved** to authorize the Mayor to execute a letter of support for a study of a Utah County Dispatch District. Councilmember Burnham **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## **CITY ADMINISTRATOR'S ITEMS**

An update on the progress of the new sewer treatment plant was presented by Public Works Director Chris Trusty. Four contractors have been prequalified. A pre-bid meeting will be held with these contractors on site tomorrow. The bid opening will be held on May 27<sup>th</sup>. Mr. Trusty expects to bring a bid award recommendation to the Council on June 3<sup>rd</sup>. The groundbreaking ceremony requested by the Council will be held the following week.

Mr. Hendrickson discussed the Fire Station #2 expansion. The plan review is nearly complete and a bid notice should be published within two to three weeks.

## **CITY COUNCIL/MAYOR'S BUSINESS**

### Councilmember Lifferth

Councilmember Lifferth was very tired, having been in London yesterday. He said the Google map site on the internet indicates that the road at the entry to SilverLake is technically a collector route. Discussion ensued as to safety issues with the road.

Councilmember Burnham

Councilmember Burnham would like the Council to take a field trip to the site of the new bike park. There was discussion on a possible time the Council could go. It may be necessary for Council members to meet individually with the developer and City staff.

Councilmember Cieslak

Councilmember Cieslak had no comments.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged the Council to consider creating an ongoing park improvement budget.

Councilmember Ireland

Councilmember Ireland had no comments.

Mayor Jackson

Mayor Jackson spoke about the speed limit on the SilverLake collector road. She felt that a residential speed limit is not appropriate for a collector road, because drivers will become frustrated and exceed the 25 mph speed limit both on the collector road and residential roads. She also displayed the Fire Department's new uniform patch.

**ADJOURNMENT**

Councilmember Lifferth **moved** to adjourn the meeting at 9:39 p.m.

APPROVED BY CITY COUNCIL MAY 20, 2008

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**  
May 20, 2008

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**3:30 P.M. Site Visit to Proposed Bike Park – Council Members will meet at the proposed location at 3:30 p.m. within the power corridor south of Golden Eagle Road in The Ranches. A map showing the location is available upon request at the City Records Office.**

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Pro Tem David Lifferth called the meeting to order at 4:10 p.m.

CONDUCTING: Mayor Pro Tem David Lifferth

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. Mayor Jackson was excused

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Melanie Lahman, Deputy Recorder; Jenalee Harper, Deputy Recorder; Peter Spencer, Planning Director; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

**AGENDA REVIEW**

1. The City Council reviewed items on the consent agenda and policy session agenda.

**CITY ADMINISTRATOR INFORMATION ITEMS**

2. Update on the sewer treatment facility – Chris Trusty, Public Works Director

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

Councilmember Ochsenhirt **moved** to adjourn to a closed executive session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

The City Council adjourned to a closed executive session at 6:03 p.m.

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Pro Tem David Lifferth called the meeting to order at 7:00 p.m. Scout Troop 1271 led the Pledge of Allegiance.

CONDUCTING: Mayor Pro Tem David Lifferth.

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak (Telephonically), Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Jenalee Harper, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

### INFORMATION ITEMS/UPCOMING EVENTS

- Pony Express Days begins May 27 and runs until June 7. A schedule of events is listed on the City Website.
- A public hearing will be held for all those wanting to comment on the Bike Park.

### 3. PUBLIC COMMENTS

Ms. Wendy Bagley, 1467 Hawk Way, thanked the Councilmembers for attending the major political party conventions for Utah. She is happy to see the Councilmembers creating good relationships with the legislature. She said that she can see the results of these good relationships especially when it comes to the City's transportation issues.

Mayor Pro Temp David Lifferth thanked Ms. Bagley for her involvement and representing the City at the County level.

### 4. CITY COUNCIL/MAYOR'S ITEMS

#### CITY COUNCIL COMMENTS

##### Councilmember Ireland

Councilmember Ireland apologized to those who had emailed him and did not receive any response. He explained that his email has not been working until recently. He also thanked Mr. Hendrickson and City Staff for responding to his questions in a timely manner.

##### Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the general public for coming to the meeting to discuss the current issues.

##### Councilmember Cieslak

Councilmember Cieslak thanked the residents for coming to the meeting. He asked those attending the meeting to focus on the issues at hand and to leave their emotions at the door. He explained that it does not help anyone to introduce emotions into the discussions. He also said that he was excited about Pony Express Days.

##### Councilmember Burnham

Councilmember Burnham expressed her appreciation for emails that she received that were both for and against the Bike Park. She appreciates people taking the time to participate in the process, and letting the Council know of their concerns and opinions. She said that often when residents have concerns they are very apologetic in emails that they send. She said that it is okay to email the Councilmembers if a resident has a concern and that there is no need to be apologetic for it. She also explained that volunteers are needed for Pony Express Days; it is a great way to be a part of the community. She asked that residents consider volunteering and if interested to contact Angie Ferre at City Hall.

#### Councilmember Lifferth

Councilmember Lifferth echoed Councilmember Burnham's comments. He thanked everyone for being involved with City issues. He said that different issues can not always be agreed upon but that different view points help the Council in making decisions that will best benefit the City. He also said that Pony Express Days will be a great opportunity for residents to get to know their neighbors and more about the City.

#### 5. BOARD APPOINTMENT

##### Parks and Recreation Advisory Board

Mayor Pro Temp Lifferth recommended the appointment of Elaine Duke to the Parks and Recreation Advisory Board for a term of 2 years. Councilmember Ireland **moved** to approve the appointment of Elaine Duke to the Parks and Recreation Advisory Board for a term of 2 years. Councilmember Burnham **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

#### **CONSENT AGENDA**

Councilmember Ireland **moved** to approve the following items on the consent agenda:

#### 6. MINUTES

- May 6, 2008 – Regular City Council Meeting
- April 6, 2007 – Budget Meeting
- April 6, 2007 – Special City Council Meeting
- April 14, 2007 – Regular City Council Meeting

#### 7. REDUCED BOND LETTER

- A. Eagle Point Plat F

#### 8. BOND RELEASE – Entering into Warranty

- A. Sage Valley Plat B

#### 9. FINAL PAYMENT

- A. Probst Electric
- B. Sturgeon Electric

#### 10. CHANGE ORDER

- A. Hard Rock Excavation Change Order for Well 5 Waterline

Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion **passed** with a unanimous vote.

## **SCHEDULED ITEMS**

### 11. PUBLIC HEARING – Consideration and Approval of a Bike Park Plan

Planning Director Peter Spencer Presented the Bike Park Plan proposal. Eagle Mountain City is proposing a City-owned Bike Park located on City property within the power line corridor just south of Golden Eagle Road and east of the Castle Rock and Point Lookout subdivisions. The Bike Park will consist of three dirt trails with various wood bridges and technical trail features and a skills area with different features used for mountain biking. The Bike Park approval has been presented to the Planning Commission who recommended approval of the project to the City Council.

Mr. Spencer said that a lot of comments regarding the Bike Park were received from the Planning Commission and residents. All comments were reviewed by staff to try to mitigate the concerns.

Mr. Spencer explained that dust, water, parking, emergency access and bathrooms had been addressed. A top coat of compost will be laid for dust control. The City is proposing to install a permanent water line, with a hose, for City Staff to water down the Bike Park area. There will be a temporary increase in dust during the construction of the Bike Park, but water trucks will be provided to spray down the area. To help mitigate parking concerns the City will be providing parking along Golden Eagle Road near the northern end of the park. This will be approximately 400 feet of curbside parking which will accommodate approximately 20 to 22 vehicles. It is anticipated that the majority of people who use the park will bike to it rather than drive. No parking signage may be placed throughout the neighborhoods if parking becomes a problem. A dirt road to the south of the Bike Park will provide emergency access for both the Fire and Sheriff's Departments. If it becomes a problem with motorized vehicles driving onto the access point, bollards may be placed to restrict access to emergency vehicles only. It was determined that restrooms would not be needed; signage will be placed at the Bike Park directing bikers to use the restrooms at Nolan Park. An existing crosswalk near the Bike Park will have the curb side painted red 20 feet on each side of the crosswalk so that no parking will be allowed there. This will allow vehicles going along Golden Eagle Road to have enough visual sight distance to see any pedestrians or bikers crossing the crosswalk. Electromagnetic Radiation was researched and no studies were found concerning the Electromagnetic Radiation and health. Fencing around the power line towers will not be provided. Signage will be provided throughout the project that will let users know that they will be using this park at their own risk; it will also show what difficulty level different areas of the trail are.

Mayor Pro Tem Lifferth asked what size the signs would be. Mr. Spencer said that they would be 4 feet by 4 feet.

Mr. Spencer explained that the City is aware that this Bike Park is adjacent to an existing residential subdivision. He said that the design of the park has been put together to try and mitigate any negative effects to the existing residences. The design includes 3 to 4 foot tall berming with landscaping on top; this will be provided along the skills area where the majority of use will be taking place. The skills area has been placed 80 to 100 feet away from existing residences to assist with buffering the residences from the Bike Park.

Mayor Pro Tem Lifferth asked Mr. Spencer what type of landscaping would be done on the berm, and if irrigation would be provided for that landscaping. Mr. Spencer said that no irrigation would be provided for the landscaping but that a water line will be provided so that on occasion the area can be watered. He said that vegetation native to this climate will be used on the berm.

Councilmember Ochsenhirt asked for clarification on the "and trees" verbiage included in the landscaping. He asked if the trees would be full, moderate, or small in size. Mr. Spencer said that there is a list of types of trees that will be used for the landscaping. He said that the trees are limited to a certain degree because they will be located underneath the power line corridor. He explained that the trees will be 24 feet in height when they reach their maturity.

Mr. Spencer stated that a lot of discussion has taken place as to where the Bike Park should be located. He explained that there was a list of evaluation criteria that staff had reviewed which showed that the proposed Bike Park location as being the best location for this type of park. Mr. Spencer said that the City already owns a majority of the land for the proposed Bike Park. He stated that the rest of the land would soon be under the City's ownership. The current property owners have been very willing to dedicate the remaining land for the park to the City. Mr. Spencer explained that it would cost over 1 million dollars if the City had to purchase the land for the Bike Park.

Mayor Pro Temp Lifferth asked Mr. Spencer what it would cost if the City was to build the Bike Park elsewhere. Mr. Spencer explained that the numbers had not been crunched but that he would estimate it to be well over 1 million dollars.

Mr. Hendrickson said that the City recently purchased a piece of land for \$1.70 a square foot, which calculates out to about \$70,000 dollars per acre. Using these estimates it would place the Bike Park project at over 1 million dollars if the City were to purchase land.

Mr. Spencer said that the ideal type of terrain for this type of project is land that is sloped. In order to construct a Bike Park it would need to be on the proposed piece of land because it has the best topography of areas that were looked at. Mr. Spencer explained that there are other areas of the power line corridors that do have hills but there is no development around these areas, making these areas inaccessible. Mr. Spencer explained that this location is the best location for the Bike Park. He also said that it is a possibility that large events could be held at the Bike Park at some point in the future. He explained that it is not necessarily designed to handle large events but, the City would like to propose to the Council to have that as a possibility in the future. Mr. Spencer explained that any events held at the Bike Park must be co-sponsored by the City, allowing the City to require any additional parking, restrooms, safety features, etc., and to sufficiently mitigate any concerns by having an event at the Bike Park.

Mayor Pro Tem Lifferth asked if there had been any activities planned in the Bike Park area for this years Pony Express Days. Mr. Spencer stated that no events have been planned for the area this year.

Mr. Spencer said that no ATVs would be allowed in the Bike Park area. He explained that the current Bike Park plan will have barriers consisting of large boulders, and staggered fencing that would be placed at the access points to prevent off highway vehicles from using the park.

Councilmember Ochsenhirt asked if the emergency access was being left open, and if so would there be a possibility that the access is closed if off highway vehicles being to access the park using this entrance.

Mr. Spencer explained that it will be left open, however if they have problems with off highway vehicles accessing the park through this entrance, they will close it.

Mr. Spencer stated that a formal agreement between the City and WAFTA is being written which will state that the ongoing maintenance of the Bike Park will be the City's responsibility. He said that the agreement will list in detail the different responsibilities of City staff and WAFTA. The agreement states that WAFTA will conduct monthly inspections on all park features. All inspections logs will be given to the City's Parks and Recreation Department, and the City will be responsible for the maintenance. If any features of the Bike Park become dangerous the City has full right to close the park down until the feature can be repaired adequately. The main entrance to the park will be from Golden Eagle Road and existing access points from the neighboring subdivisions will remain. If necessary there will be signage restricting visitors from parking in front of the residences. The Bike Park will be open from dawn to dusk.

Mr. Spencer said the City will need to provide \$25,000 dollars towards the project and that this money will come out of the 2008-2009 budget. The Ranches HOA will provide \$25,000 towards the park as well. Mr. Spencer explained that private vendors have also volunteered materials and labor. He said that Staff and the Planning Commission recommend approval of the proposed Bike Park to the City Council.

Councilmember Ireland stated that before the City Council meeting began, the Council met with City Staff at the proposed site to look at the Bike Park. He said that there is a road located next to a park that could potentially be used for overflow parking. Councilmember Ireland asked Mr. Spencer if he knew the name of this particular road. Mr. Spencer stated that the road was located in Liberty Farms but that he did not know the name.

*\*\*Mayor Pro Tem Lifferth opened the public hearing at 7:57 p.m.\*\**

*(The following comments were made before the presentation, and before the public hearing was opened)*

Ms. Kara Badger, 7518 Darnaway Court, presented a petition to the Council that was against the Bike Park being built under the power lines east of Castle Rock Road. Ms. Badger explained that they had only been petitioning for the past ten days. During this time she was able to contact two hundred and seventy four people. Four people refused to sign, 1 opposed, four had a conflict of interest because they were City employees, one had a conflict of interest because they worked with a local newspaper, and 7 people felt they needed more information before signing. Overall 258 people signed the petition stating that they did not want a Bike Park built east of Castle Rock Road, which equates to 94% of the residents that were spoken to. Ms. Badger said that the residents who were surveyed came from Diamond Springs, Castle Rock, Kiowa Valley, Smith Ranch, Eagle's Landing, Rush Valley, SilverLake and the City Center area. She said that if they were allowed to survey for two more weeks, they could meet the statistical requirement for a sample size of the 20,000 residents in Eagle Mountain. She said that they would meet that with a 95% confidence rate, plus or minus 5%, with an overwhelming notice to the Council and the Mayor's Office that the residents are not in favor of this Bike Park. Ms. Badger read quotes from different residents who were not in favor of the Bike Park. She also gave a petition packet to each member of the Council.

Mayor Pro Temp Lifferth asked Ms. Badger to read the top of the petition so that the audience would know what the residents were petitioning.

Ms. Badger stated that the residents were signing the Eagle Mountain Bike Course Petition. She read, "We are Eagle Mountain Residents that disapprove of the bike course, by signing this petition we are sending a strong message to the Mayor and Councilmembers to vote no on this bike course."

Mr. Cougar Hall, 7340 N Point Lookout Road, expressed his support for the Bike Park. He thanked the Council for responding to his emails. He stated that he had put an information packet together for the Council. Mr. Hall said that moving the park further north or south in the corridor will still give the project parking, and power pole issues. He asked the Council that if the project moves forward, would they allow him to share with residents exactly how the park will look, be used, and what type of people it will attract, and how this will benefit the community and residents.

*(The following comments were made after the public hearing was opened.)*

Mr. Daniel Burton, 2441 Ranch Road, stated that he has been a computer programmer for many years and has left his profitable career to pursue something that would give him more meaning in his life. He said that he has opened up a bike store in Saratoga Springs. Mr. Burton read portions of health articles to the Council. He said that the City needs to provide good healthy activities for the children as well as adults. He feels that the Bike Park is a great way to promote healthy activity.

Mr. Troy Blazer, 7958 N Peregrine Circle, expressed his support for the Bike Park. He said that he got involved with biking two years ago because of the close proximity to great biking, such as the foothills. He explained that biking is a great healthy activity for him as well as others. He feels that any concerns with the Bike Park can be mitigated and that the benefits that this Bike Park will bring to the community will outweigh any remaining concerns.

Ms. Danae Hearldson, 1887 E Pinion Circle, said that she understands that the City is trying to appease the residents of Eagle Mountain by bringing features like this in. She said that there has been a lot of frustration with the lack of amenities in Eagle Mountain. She feels that as a resident the Bike Park will not benefit her or her family. She said that the Bike Park will benefit very few residents but the cost and maintenance is going to be a burden for all residents. She does not see the Bike Park as a viable recreational option for her family because it is not possible for her family to bike to The Ranches because there is no trail. She said that Sweetwater Road is also too narrow to ride on safely and that she does not feel that she could pack up her family's bikes to drive them over to the Bike Park so that they can have a biking activity. She feels that many residents in City Center share her concerns. She said that she would like to see other amenities finished first before a Bike Park is built. She stated that she hopes that the Council will remember that they were voted in because the residents wanted change and a Council that was accountable to residents, not developers.

Ms. Shirley Peeples, 7572 Kidwelly Court, said that she has never been involved in community business but has voted in all of the elections. She said that she had voted for the Council as they sit tonight. She said that on Saturday she went to the City Center and went door to door to talk to residents about the Bike Park. She said that nobody was rude to her and they all thanked her for being involved. She said that many residents asked her why they had not heard about the project before; they thought that she was confused because the City was building a skate park. She said that many residents wondered why another project was being started when there are so many unfinished ones. She said that they wanted to know why their tax dollars were being used without their input. She said that she wonders how many people in the audience are actually residents of Eagle Mountain who are in favor of the Bike Park.

Mr. Fred Peeples, 7572 Kidwelly Court, said that at the last Planning Commission meeting he had asked what type of park this would be, whether it is a neighborhood park, community park or regional park. He stated that he had yet to receive an answer to that question. He said there is an expectation as to what will be provided for those different types of parks. He said that on page 2, under the parking section of the packet that the Council received, it discusses events being held at the park. He said that it reads that it is anticipated that the City will not allow any organized events from taking place at the Bike Park. He said that at the Planning Commission meeting he requested that the word will be changed to shall. He explained that the agreement between the City and WAFTA states that upon completion of the Bike Park and improvements, WAFTA may request that the City limit public access to the Bike Park during certain events or activities, such consent shall not be reasonably withheld by the City. Mr. Peeples feels that he reads this as saying that WAFTA will be having events and requesting activities at the Bike Park which contradicts what is being presented. He feels that this information has been withheld and hidden from him and finds it inappropriate.

Mr. Ben Dalton, 7608 Snowy Owl Road, said that in an email from Councilmember Lifferth it was stated that the City should spend taxpayers money on community resources that would be of use to the residents. Mr. Dalton said that in the original proposal of the Bike Park it said that most of the usage of this park is expected to come from the Eagle Mountain residents, although the Bike Park is unique it is not large enough to attract large groups of users from outside of the City. He asked if this was true, why did he find postings on statewide websites from [utahmountainbiking.com](http://utahmountainbiking.com) that said, "the Bike Park proposal will go back to Planning Commission on May 13 at 6:00 p.m. I think this will just be a formality, it will be approved and sent to the City Council the following week, May 20 at 7:00 p.m. Please plan on being there if at all possible and if you could ride a bike that would be great, if you live too far away for this to be practical at the time of day, bring a bike with you, park at the elementary school across the street and ride from there. Bikes piled up in the lobby will certainly send a strong message. Inform everyone you know to do likewise." He said that according to Utah Mountain Biking, out of 1300 plus members only 5 come from Eagle Mountain. He said that he found another posting on KSL that had a similar proposal and request. He said that if Eagle Mountain residents are really the ones most benefited by this park, then why do proponents of it have to request for outside assistance in showing support for it. He feels that the park will not benefit the community as a whole.

Ms. Hannah Melaningham, Friday's Station, said that she really wants the Bike Park so that she can teach her sisters how to mountain bike and so that she can spend more time with her family.

Mr. Carl Johnson, 7442 Castle Rock Road, said that he was against the Bike Park not because it's a Bike Park but because City resources are very limited. He said that he moved here because he though the City had a lot to offer, but there is still so many things that this community still needs for their residents. Mr. Johnson asked if the City had a prioritized list of facilities that the residents of this community most want, and if there is in fact a list, is there a Bike Park of this nature anywhere on the list, and if so where? He feels that there are many things and many places where the City could better spend their funds. He is concerned with volunteers building this Bike Park and asked if there was a contract with specifications that need to be met for the park to be built. He said that it was mentioned that the City will pay \$25,000 dollars to the Bike Park but he has already heard things mentioned that are not included in the \$25,000 dollars such as the water line, bollards, signage, etc.

Mr. Gary Robbins, 103 East 6980 South, said that he was opposed to the Bike Park. He feels that the park will close off the open area and access to the mountain. He said that the park will be exciting at

first but eventually the excitement will fade, especially if someone gets hurt. He said that he is opposed to the Bike Park.

Mr. Mike Boath, 1887 Dove Way, said that he was in favor of the Bike Park. He said that he rides often and he is concerned that the areas he rides in are now getting developed. He said that having the Bike Park being set aside will always give him an area to ride and he knows his kids will be safe riding in the park.

Mr. Tim Shaw, 2125 E Jordan Way, said that the concerns presented are valid and that they have been addressed and presented with solutions suitable to the situation. He is in favor of the park because it gives kids an option for recreational activities other than organized sports. He feels that it is a great location especially because it is City owned land and it is cheaper for the taxpayers. Mr. Shaw said that it is a great location because it is undevelopable land and centrally located. He feels that the survey conducted is invalid because it is only 1% of the citizens in Eagle Mountain. He is excited about the park and hopes that it is approved.

Mr. Darrin Garrett, WAFTA, said that WAFTA does not have any intent of holding any organized events at the Bike Park site. He feels that the Bike Park will not have a negative impact on the area but that it is only going to enhance a blighted area. He said that statistics show that 40% of adults consider themselves bike riders. He said that the land is not suitable for a ball field but it is uniquely suited for a Bike Park. He feels that it is of great value for the City to partner with WAFTA and the HOA to build the park. The value of the park is between \$150,000 to \$250,000. He said the contribution from the City will represent 12% to 16% of the value of the park. He feels that the positive publicity from the park has been great for the City and feels that it is great to be first to do something interesting and fun.

Mr. Greg Johnston, 3367 Castle Cary Circle, said the he was against the location of the Bike Park, not the concept. He said that both many people both near and far are against this park, he said that all people bordering the park are against it. He has only seen one individual that is close to the park that is in favor of it, he lives ½ a mile away. He said that many residents are so adamantly against the park, that in an organized and humanly fashion some would consider civil litigation to spark an injunction against the endeavor in the proposed location. He said that if the City was to propose a Bike Park in a different area, he would do many things to support it and to be a proponent of it. He said that he would rather bike on trails rather than the park.

Mr. Royce VanTassle, 3659 Royal Troon Drive, said that he has come with a number of young men and women who biked with him to the meeting. He said that he rode the distance because he wanted the Council to know that this park is an opportunity that a lot of kids look forward to. He has showed kids from his neighborhood the proposed location of the park. He said that he has been in a bike accident, and this park is a great opportunity to show mountain bikers how to stay safe.

Mr. Nathan Speer, 2848 E Hideout Drive, said that he is 15 years old and ever since he can remember he has been riding a bike. He loves biking and in his previous town he had a bike jump area that he would go to every day after school. He is excited for the Bike Park and said that his friends feel the same way. He feels that the Bike Park will be used.

Ms. Tiffany Ulmer, 1320 Harrier Street, stated that this meeting reminded her of the open space meeting. She feels that the children, as they get older, will appreciate the opportunity to go to the Bike Park and try new things. She is for the Bike Park but is concerned that no restroom facilities are

available. She suggested that the City monitor the bathroom usage and if it becomes necessary, place a port-o-potty in the area. She also encouraged the City to use the grant money and finish the trail that connects the City Center and The Ranches.

Mr. John Celaya, 3449 Appolosa Way, expressed his support for the Bike Park. He said that he is very interested in the features that go into the community. He said that he is willing to contribute his time to building the park. He also feels that the \$25,000 is a minimal cost for such a great feature.

Ms. Peggy Henry, 3356 Castle Cary Circle, said that she appreciates all of the planning and time spent on both ends. She feels that the Staff and Council are memorializing what we are as a City. She said that the posters will be hung in bike shops. She said that she has heard skate park kids described as hooligans, drug dealers and vandalizers. Her son is a skater, and she is very proud of him. She sat at the corner store once which people claim the skaters hang at. No one opened the doors for women that walked through, but she watched the skaters do it. She said that the bikers are the same way. She asked how the handicap access will be handled and if scooters will be allowed on the trail. She said that she respects the bikers. Ms. Henry explained that she lived next to the biker park and she is neither for nor against it, she is asking the Council to plan it well.

Ms. Carissa Burton, 2441 E Ranch Road, said that she had lived in Eagle Mountain for 9 years. She said that when living in Orem she biked everywhere, and when moving to Eagle Mountain she found that there is not a lot of opportunity for biking. She said that she misses biking and that it is a great thing to do with her family. She is looking forward to seeing the Bike Park built.

Ms. Karen Johnson, 7442 Castle Rock Road, expressed that she was not in favor of the Bike Park and agrees with previous statements that have been made by those that are opposed. She asked what other locations were considered for the Bike Park, and what the top three locations were. She said that relying on volunteers to build such a park would make her nervous. She said that she likes to bike ride but not mountain bike.

*\*\*Mayor Pro Temp Lifferth closed the public hearing at 8:50 p.m.\*\**

Mayor Pro Temp Lifferth asked Mr. Hendrickson to respond to some of the questions asked by residents in public comment.

Mr. Hendrickson said that in the year that he has been with City he has had the opportunity to work with both Councils and there has always been a concern with recreation. He said that in this upcoming budget the Council has allocated money to improve a number of parks, including the trail connecting City Center to The Ranches. He explained that on the Consent Agenda there was an approval for the construction contract between UDOT and the City to fund the trail. The City will receive a \$420,000 grant and the trail will cost approximately \$680,000 to build. Mr. Hendrickson said that the Council has allocated the funds for this trail, and that the trail will be completed by October. The City has also budgeted for upgrades to a number of City parks. He explained that the retention pond that had been fenced off in a park in City Center had been looked at by the engineer and that it should be repaired this summer. He said that the parking lot at Walden Park will also be paved. The City has formed a Parks and Recreation Board which will help the Council look at the priority list of recreational amenities. The City has also allocated funds to develop a master parks and trails plan throughout the City. Money has been allocated to build a skate park in the City Center area. Mr. Hendrickson explained that 5 design proposals have been received for the skate park, and that the City hopes to soon award a contract.

Mayor Pro Tem Lifferth asked Mr. Kinghorn what kind of protection the City had for non-performance from volunteer labor. Mr. Kinghorn responded that the agreement would have a very specific performance clause tied to specific work to be done at specific times. There would be indemnity provisions included for material payment and so forth. He said that there is no realistic way to guarantee performance unless the sponsoring group steps up and signs personal guarantees. If the work does not get finished it is possible that the City may have to send employees in to do some finish work. He pointed out that this is considered a City park and the ultimate responsibility for completion and maintenance will fall on the City.

Mayor Pro Tem Lifferth asked Mr. Spencer if the budgeted money for this project included the cost of the water line, signage and boulders. Mr. Spencer explained that those items are included in the budgeted money.

Councilmember Ireland said that it was interesting to see how different people see the same issue in terms of safety and use of the citizens' money. He said that the volunteering can be an asset or it can become a liability.

Councilmember Ochsenhirt stated that he is in a very difficult situation because he has to hear the different perspectives of many people that he sees as very dear friends. He commended both sides for their comments, and was pleased that the conversation has been respectful. He feels that the opposing comments have brought up very valid concerns, but in the same respect the proponents have done a very good job in trying to appease all of the concerns. He said that it is not possible to please everyone all of the time.

Councilmember Burnham said that the Council has received many emails regarding this issue. She explained that many emails the Council received mentioned that the Bike Park was already a done deal, and the Council has already made up their minds. She explained that those statements are not true and that she had taken time at 8:00 Saturday morning to meet with residents who were opposed to the park. Councilmember Burnham stated that she had taken all of those concerns with her and discussed them with the Council in the work session. The Council is trying to make a decision that will be best for the majority of the residents. She also expressed her concern with the petition that was conducted. She said that the majority of residents that she has spoken with have been in favor of the park. She believes the reason for this is because when she mentions the park she does it in a positive way. She feels that the survey may have been portrayed in a negative way therefore provoking a negative response. She would like to see a survey having been conducted by a party who is not partial either way to the park.

Councilmember Cieslak asked if any analysis had been done on what the long term cost of the park would be verses other City owned parks. Mr. Hendrickson said that the Parks Supervisor looked at what was going into the park and he had determined that it would be a low maintenance park. Councilmember Ireland asked how much an average park costs to be mowed, fertilized, etc. Mr. Hendrickson responded that it costs approximately 8 cents a square foot and includes water, fertilizer, mowing & equipment.

Councilmember Cieslak said that he was at the same resident meeting as Councilmember Burnham on Saturday morning. He took quite a bit of notes and throughout the meeting tonight many of those concerns had been discussed a great length. He said that he lives in the area where this park is proposed and he has been trying to make a decision that will benefit the entire City as well as appease those who

live next to the Bike Park. He explained that he is not a mountain biker, he plays basketball and reads books, and does not hold it against anyone whether they ride a bike or not. He stated that throughout the process Councilmember Burnham and himself had suggested that a survey be conducted by a non-partial entity. He said that he did not anticipate this to be such a hot item and that it would benefit the City to assess the desires of the residents throughout the City. He stated that 12 comments were made in favor of the park and 9 comments against, as well as a petition. He said that the petition conducted represents to him the individuals who don't have enough time, or enough desire to come and attend the City Council meeting.

Councilmember Ireland asked what an average sized tot lot costs. Mr. Hendrickson said that a small tot lot is about \$30,000 dollars. Councilmember Ireland stated that neighborhood parks are approved as developments come in and rarely does the Council receive feedback on tot lots. He said that his family has no need for a tot lot. He feels that the residents of Eagle Mountain have elected the City Council to represent them to use their tax monies in the best possible way. He said that he tries to use the taxpayer's money in the best ways possible and that the return on this Bike Park investment is high. He understands that many may not use this particular park, but that it would be the same with any other \$25,000 expenditure. He feels that the taxpayers' money is being used wisely. Councilmember Ireland thanked Ms. Peggy Henry for her comment about using the money wisely. In his opinion the City staff have done a marvelous job with the proposal.

Councilmember Burnham **moved** to approve the Bike Park plan. Councilmember Ireland **seconded** the motion.

Councilmember Ireland asked if only the plan was being approved tonight and not the \$25,000 budget. Mr. Hendrickson said that the budget and agreements would be presented to the Council at a later time.

Councilmember Cieslak said that the \$25,000 dollars is a small amount for the City to pay towards the Bike Park, however residents are currently biking for free. He stated that there are multiple bike trails that the City has not paid for. He felt that the financial impact of this project should not be a driving motivation for approval.

Councilmember Ochsenhirt called the question.

Those voting aye: Donna Burnahm, Ryan Ireland, Nathan Ochsenhirt, David Lifferth. The motion **passed** with a 4:1 vote.

12. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending and Re-Enacting Title 1, Chapter 20 of the Eagle Mountain City Development code Concerning Site Plan Reviews and Enacting Title 1, Chapter 24 Regulating Commercial and Multi-Family Design Standards

Consideration and adoption of an Ordinance of Eagle Mountain City, Utah, amending the Development Code regarding site plan reviews and multi-family design was presented by Steven Mumford, Senior Planner. A public hearing was held at the May 6, 2008 City Council meeting to discuss the proposed amendment. This Ordinance adopts the proposed amendment and new chapter to the Development Code.

Councilmember Ireland **moved** to adopt Ordinance 12-2008, Title 1, Chapter 20 of the Eagle Mountain City Development Code concerning site plan reviews and Title 1, Chapter 24 regulating commercial and multi-family design standards. Councilmember Ochsenhirt **seconded** the motion. Those voting aye: Councilmember Burnham, Councilmember Ireland, Councilmember Ochsenhirt, Councilmember Lifferth, Councilmember Cieslak. The motion **passed** with a unanimous vote.

13. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Repealing Resolution R-09-2006 and Establishing Active Duty Military utility Service Charge Abatement

Consideration and adoption of a Resolution of Eagle Mountain City, Utah, repealing Resolution R-09-2006 and establishing an active duty military utility service charge abatement was presented by Jerry Kinghorn, City Attorney. The proposed Resolution will re-enact and conform the City Resolution adopted in 2006 to the practice of allowing a utility discount to military service personnel. This Resolution also conforms to the practice of approximately 20 other cities in Utah with similar utility discount programs.

Councilmember Ochsenhirt said that he would like to see an amount that is appropriate and compassionate to the men and women of the military. He asked if the \$100 discount could be increased at a later date. Mr. Kinghorn explained that the Council can move to approve the resolution and amend the \$100 to a different number. Councilmember Ochsenhirt felt that using a percentage leaves the number too vague and he would rather see a fixed number.

Councilmember Cieslak agreed with Councilmember Ochsenhirt's comments. He asked at what point it would be possible for the City to give them a greater discount. Mr. Kinghorn explained that setting the discount too high could result in a rebate for some residents and that the gas, water, sewer and electric revenue bonds contain covenants that the City will not provide free service. Disclosure statements must include changes in the City's utility service charge systems.

Councilmember Ochsenhirt asked if it would be possible to raise the discount to \$150. He also asked if this amount would exceed the price of a resident's bill. Gordon Burt said that those living in condos could have bills significantly less than \$150 a month. Mr. Hendrickson said that the average utility bill is around \$260 a month. Councilmember Ochsenhirt asked if the agreement could read that the rebate can be up to \$150 dollars but cannot exceed 50% of the bill. Mr. Burt said that approximately 160 residents are signed up for the military discount. He said that he was unaware if the software could calculate the numbers and that most likely it would have to be a manual adjustment. He also said that there may be a few involved in the program who have bills under \$100 a month. Councilmember Cieslak agreed with Councilmember Ochsenhirt in that the rebate should be \$150 but not to exceed 50% of the bill.

Councilmember Cieslak **moved** to table Resolution R-09-2006, with direction to see if Springbrook can accommodate a complex calculation when applying rebates to the military. Councilmember Ireland **seconded** the motion.

Councilmember Ireland said that his intent of the Resolution would be to financially help families of soldiers who get called into active duty. Mr. Hendrickson explained that the resolution read that it was for inactive military who get called into active duty. He said that what happened was it ended up being give to all active military regardless if it was their full time job or not. The City feels that they should

not go back on what is currently being offered because that would mean that the discount would be taken away from some active military officers. Councilmember Burnham felt that they had moved away from the intent of the code and that many police and fire officers could be benefitted from this as well. Mr. Lifferth explained that there are many people who are very deserving of this type of discount and that a decision needs to be made wisely.

Mr. Kinghorn explained that a motion to table has been made and the motion is non-debatable.

Those voting aye: Eric Cieslak, Ryan Ireland. The motion **failed** with a 2:3 vote.

Councilmember Burnham **moved** to adopt a Resolution of Eagle Mountain City, Utah, Repealing Resolution R-09-2006 and establishing active duty military utility service charge abatement. Councilmember Ochsenhirt **seconded** the motion.

Councilmember Ochsenhirt feels that the Resolution is saying that we want our full time military people to receive financial aid. He asked if the \$100 is a realistic stipend for the people and the sacrifices they are making. He suggested passing the Resolution as proposed and at a later time it can be re-addressed if the City finds that the amount is not adequate.

Mayor Pro Tem Lifferth asked that Gordon Burt research to see if Springbrook is capable of handling a more complex number and percentage rebate and to report back to the Council with his findings.

Councilmember Ireland felt that it would do no harm to table the resolution for a month because the program is currently in use.

Those voting aye: Eric Cieslak, Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, David Lifferth. The motion **passed** with a unanimous vote.

14. AGREEMENT – Consideration and Approval of a Multi Jurisdictional Mutual Aid Fire and Emergency Medical Service Agreement

Consideration and approval of a multi jurisdictional mutual aid fire and emergency medical service agreement was presented by Rand Andrus, Fire Chief. The Governor of Utah has recommended that agreements be made so that fire departments can get and give assistance from surrounding areas when the situation arises. Emergency responders have limited staffing and equipment. This agreement will enable Eagle Mountain and surrounding cities to provide and receive assistance from other emergency responders when necessary.

Councilmember Ochsenhirt **moved** to approve a multi jurisdictional mutual aid fire and emergency medical service agreement. Councilmember Ireland **seconded** the motion. Those voting aye: Donna Burnham, Ryan Ireland, Nathan Ochsenhirt, David Lifferth, Eric Cieslak. The motion **passed** with a unanimous vote.

## CITY COUNCIL/MAYOR'S BUSINESS

### Councilmember Cieslak

Councilmember Cieslak appreciated the discussion on the Bike Park and suggested that a non-partial survey still be conducted.

Councilmember Burnham

No Comments.

Councilmember Ireland

No comments.

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked the residents for coming to discuss the Bike Park. He was disappointed to see that after the decision was made those who were not in favor of the park left the meeting.

Mayor Pro Tem Lifferth

Mayor Prop Tem Lifferth thanked the audience for a thoughtful discussion regarding the Bike Park without using personal attacks. He stated that he loved public dialog, sharing thoughts and ideas and that clearly in a community like this there is no way that everyone can always get exactly what they want. There is always give and take or negotiation. He appreciated the patience of all participating.

**CITY ADMINISTRATOR'S ITEMS (Were given before Council Comment)**

Mr. Hendrickson reminded the Council and audience that on May 28, 2008 from 12:00 a.m. to 4:00 a.m. the City Center will have a scheduled power outage in order to connect the power lines. Mr. Hendrickson stated that the residents would be given notices. Mr. Ferre explained that Tasco is responsible for notifying the residents and that it was more costly to use the road signs opposed to leaving notices on the doorstep. Mayor Pro Temp Lifferth stated that it would be great to have a opt in email system so that residents can receive notice of these events. Councilmember Burnham said that the notices were left in mailboxes and that we need to remember that they cannot be put there, only on the door. Mr. Ferre said that he will notify Tasco.

Mr. Hendrickson said that he also had proposals from companies to build the skate park.

Mayor Pro Temp Lifferth asked that the Fire and Police Departments be notified of the power outage.

Mr. Hendrickson stated that he would be meeting with UDOT, which is looking for comments on transportation matters on state highways. Lanes will be widened on S.R. 73 from Saratoga Springs to the Ranches intersection. He is going to suggest widening the road for both the north and southbound lanes.

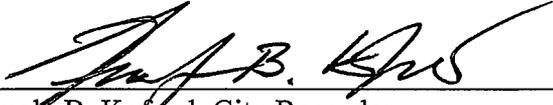
Mr. Hendrickson explained that the Fire Department will be going out to bid on Fire Station #2 soon. The plans have been approved through the City. The City hopes to have the bids back by June 17, 2008.

Mayor Pro Tem Lifferth asked for a sewer treatment plan update from Mr. Trusty. Mr. Trusty explained that a pre bid meeting had been held two weeks ago with the contractors. It was decided to postpone the bid opening because the contractors did not feel that this gave them adequate enough time to get pricing from their suppliers. Mr. Trusty said that the meeting date has been moved to Thursday and that the Council will be provided with a basic analysis of the proposals.

**ADJOURNMENT**

Councilmember Ochsenhirt **moved** to adjourn the meeting at 10:03 p.m.

APPROVED BY CITY COUNCIL MAY 20, 2008



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Fionnuala B. Kofoed, City Recorder

MINUTES OF THE  
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 3, 2008

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:02 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland (arrived at 4:10 p.m.), David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Eric McDowell, Sergeant

**1. DISCUSSION/REVIEW ITEMS**

- A. Sage Communities Presentation (*Presented by Scott Kirkland*)
- B. Commercial Utility Rates (*Presented by Chris Trusty, Public Works Director*)

**2. AGENDA REVIEW**

The City Council reviewed items on the consent agenda and policy session agenda.

**3. CITY ADMINISTRATOR INFORMATION ITEMS**

- A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty, Public Works Director*)

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember David Lifferth moved to adjourn to a closed executive session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Erick Cieslak seconded the motion. Ayes: 5, Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth, Nathan Ochsenhirt. The motion passed with a unanimous vote.*

The City Council adjourned to a closed executive session at 6:06 p.m.

**7:00 P.M. POLICY SESSION**

Mayor Heather Anne Jackson called the meeting to order at 7:03 p.m. David Blackburn led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Rand Andrus, Fire Chief; Eric McDowell, Sergeant

#### **INFORMATION ITEMS/UPCOMING EVENTS**

- Mayor Heather Anne Jackson read the schedule of Pony Express Days Events, which is also listed on the City Website.
- Military appreciation week has concluded. The City will still collect donations to send to the troops, a list of items that are needed is posted on the City Website. The City held several parades for military that have recently returned home from Iraq.

#### **4. PUBLIC COMMENTS**

David Blackburn, 8653 Chase Circle, recommended that the City enforce and review all warranty bonds closely. He also suggested that the Design Specifications Standards be increased within the City.

Don Richardson, 3546 E Paine Street, felt that the bond and warranty issue was a poor decision and that lowering standards will not help the City.

Fred Peebles, 7572 Kidwelly Court, thanked the Fire Department and City Council for hiring more full time Fire Department employees.

#### **5. CITY COUNCIL/MAYOR'S ITEMS**

Councilmember Lifferth

No Comment.

Councilmember Ireland

No Comment.

Councilmember Ochsenhirt

No Comment.

Councilmember Cieslak

Councilmember Cieslak explained that on Castle Cary Circle a fire truck recently tried to drive through to get to a fire hydrant but could not because the road was not wide enough. He asked if the road could be reviewed to see if the City could do anything to fix the problem. He thanked the Pony Express Days Volunteers for their help and was glad to see that Pony Express Days had been a success so far. He asked that the Sherriff's department provide increased patrol around Nolan Park during Pony Express Days.

Councilmember Burnham

Councilmember Burnham thanked the residents for coming to the Home for a Hero open house.

Mayor Jackson

Mayor Jackson thanked Linda Peterson and Angie Ferre for putting together the Home for a Hero event.

**6. APPOINTMENT**

A. Greg Wilson – Parks and Recreation Advisory Board

Mayor Jackson recommended the appointment of Greg Wilson to the Parks and Recreation Advisory Board for a term of 2 years.

**MOTION:** *Councilmember Cieslak moved to approve the appointment of Greg Wilson to the Parks and Recreation Advisory Board for a term of 2 years. Councilmember Ireland seconded the motion. Ayes: 5, Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**CONSENT AGENDA**

**MOTION:** *Councilmember Lifferth moved to remove the minutes from the May 20, 2008 from the consent agenda. Councilmember Cieslak seconded the motion. Ayes: 5, Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Lifferth moved to approve the following items on the consent agenda:*

**8. CHANGE ORDER**

A. Clear Construction on the Well Pump Station Project

*Councilmember Cieslak seconded the motion. Ayes: 5, Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

**7. MINUTES**

A. May 20, 2008 – Regular City Council Meeting

**MOTION:** *Councilmember Lifferth moved to approve the minutes from the May 20, 2008 City Council Meeting with the addition of all comment made by Mr. Greg Johnston. Councilmember Cieslak seconded the motion. Ayes: 5, Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

9. **ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah Amending the Construction Standards and Specifications for Public Improvements.**

Chris Trusty, Public Works Director, presented the proposed amendments to the Construction Standards and Specifications for Public Improvements. Currently, the City's Construction Standards and Specifications has requirements that may place an unnecessary burden on developers and contractors working within the City. This proposed revision will remove some of these requirements, such as posting an additional improvement and warranty bond for road rotomill and overlay should constructed roads fail. Also, the warranty period will be reduced from 2 years for developments in The Ranches to one year, provided that any warranty repair work is done during fair weather conditions.

Councilmember Ireland asked how the senate bill affects the City's current Construction Standards and the changes being proposed. Mr. Trusty explained that Senate Bill 196 states that the City cannot require a warranty period longer than one year unless it has special findings of fact. Mr. Trusty said that having a longer warranty period gives the inspectors a chance to identify soil areas that are weak. Mr. Trusty said that there are certain requirements that require the City to maintain certain roads and that some road failures can be caused by lack of maintenance on the City's part. To obtain and extended warranty it would require the City to do case by case studies. Mr. Trusty explained that the City requires 9 inches of compacted sub base, 6 inches of road base and 3 inches of asphalt.

Mayor Heather Anne Jackson asked Mr. Trusty that with the changes being proposed, how often would a road fail within the first 2 years as compared to the first year. Mr. Trusty explained that most major failures would happen within the first year. He said that one of the major problems the City has is getting the proper settlement around the manholes. He stated that more survey points will be required for the curb, gutters, and catch basins to ensure better drainage to prevent road damage during the wet seasons.

Mr. Trusty said that West Jordan City had conducted a study in 2006 in which 24 cities were surveyed, 12 of which had 1 year warranty periods, 6 had an 18 month warranty period and the remaining 6 had a 2 year warranty period. He said that this study was conducted before Senate Bill 196 was passed. He also explained that the changes being proposed are being changed so that the City will be in compliance with Senate Bill 196.

Councilmember Ochsenhirt asked if the 1 year warranty period was a long enough period of time for the City to be able to see any drainage problems. Mr. Trusty said that although he would like to see a 2 or 3 year warranty period, the 1 year warranty period should be sufficient to find any potential problems. He explained that in addition to requiring stakes along the curb and gutter line every 50 feet, the City has raised the minimum slope on curb and gutters to 0.7%. Mr. Trusty explained that the 1 year warranty period can be extended to include a winter cycle so that the City can determine if any roads will fail.

**MOTION:** *Councilmember Burnham moved to approve Ordinance 12-2008 Amending the Construction Standards and Specifications for Public Improvements. Councilmember Cieslak seconded the motion. Ayes: 5, Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**10. MOTION – Consideration and Approval of a Bond Release for Rotomill and Overlay, and Warranty Completion as Proposed by the City Engineer.**

Chris Trusty, Public Works Director, Presented the proposed Bond Release for Rotomill and Overlay, and Warranty Completion. With the approval of the revised Construction Standards, several developers have asked for bond revisions consistent with the new Standards. Specifically, a reduced warranty bond for Sunrise at Kiowa Valley, Plats 1 and 2, and Warranty Releases for Highlands Phases 1, 2, and 3, and Highlands on The Green, Phases 1, 2, and 3, and the POD “B” Entry Road.

**MOTION:** *Councilmember Ireland moved to approve a reduced warranty bond for Sunrise at Kiowa Valley, Plats 1 and 2, and Warranty Releases for Highlands Phases 1, 2, and 3, and Highlands on The Green, Phases 1, 2, and 3, and the POD “B” Entry Road. Councilmember Cieslak seconded the motion. Ayes: 5, Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**CITY COUNCIL/MAYOR’S BUSINESS**

Councilmember Ochsenhirt

Councilmember Ochsenhirt thanked all volunteers for helping with the Home for a Hero event.

Councilmember Lifferth

No Comment.

Councilmember Burnham

No Comment.

Councilmember Cieslak

No Comment.

Councilmember Ireland

No Comment.

Mayor Jackson

Mayor Jackson said that the pancake breakfast had a great turnout and that the Youth Council is now up and running.

**COMMUNICATION ITEMS**

**11. Upcoming Agenda Items**

None

**ADJOURNMENT**

Councilmember Burnham moved to adjourn the meeting at 7:38 p.m.

APPROVED BY CITY COUNCIL JUNE 17, 2008

A handwritten signature in black ink, appearing to read "Fionnuala B. Koffed", written over a horizontal line.

Fionnuala B. Koffed, City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

June 17, 2008

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:12 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak (arrived 5:48 p.m.), Ryan Ireland and David Lifferth. Councilmember Ochsenhirt was excused.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Economic Development Director; Jason Walker, Management Analyst; Eli Jones, Management Intern; Flint Menseh, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

**1. AGENDA REVIEW**

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

**2. DISCUSSION**

- A. Tiered Water Rates (*postponed to a future meeting*)
- B. UAMPS Resource Project (*Presented by Jackie Coombs, UAMPS*)

**3. CITY ADMINISTRATOR INFORMATION ITEMS**

- A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty, Public Works Director*)

**4. ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Lifferth moved to adjourn to a closed executive session for the purpose of discussing reasonably imminent litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

The City Council adjourned to a closed executive session at 6:10 p.m.

## 7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS

Mayor Heather Anne Jackson called the meeting to order at 7:15 p.m. Adam Stock led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt (participated telephonically).

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant

### 8. INFORMATION ITEMS/UPCOMING EVENTS

- Linda Peterson presented a video recap of Pony Express Days.
- Mayor Jackson awarded an inflatable rubber ducky to Councilmember Lifferth for the funniest float in the parade.
- Weekly UDOT updates on the Redwood Road expansion will be posted on the City's website.
- Stakeholder meeting with Design Workshop for the Master Parks and Trails Plan, Wednesday, June 18, 6:30 p.m. in the City Council Chambers.
- Senior Advisory Council barbecue and eye clinic, Monday, June at 23, 5:00 p.m. at City Hall.
- Neighborhood Watch volunteers are needed.
- Mayor Jackson and City employee Sandy Reit will participate in the Pony Express Re-ride when it goes through Eagle Mountain on June 22. The event begins in Sacramento, California, tomorrow.
- A preferred contractor has been chosen by the Skate Park Committee. A bid award will be considered at the July 1 Special City Council meeting.
- A little boy was recently hit by a vehicle near Nolan Park, suffering a broken arm, cuts and bruises. Due to the heavy traffic and many children in the area, the speed limit will be reduced to 15 mph.

### 9. PUBLIC COMMENTS

Mr. Steve Conger, 1845 E. Cedar Trails Way, stated that Saturday, June 14, was Flag Day. A flag retirement ceremony was held at City Hall. As per tradition, grommets from the flags were retrieved and presented to attendees. Mr. Conger then presented grommets to the City Council.

### 10. CITY COUNCIL/MAYOR'S ITEMS

#### CITY COUNCIL COMMENTS

##### Councilmember Cieslak

Councilmember Cieslak attended his grandmother's funeral this afternoon. She and her family escaped from East Germany to live the American dream. He said everyone here is part of this American dream, can be part of the government and can speak out. He has read in her journal about times when people in

East Germany spoke out against the government and disappeared the next day. He was present when the little boy was hit by a car at Nolan Park and commended public safety workers for their professionalism in caring for the child, particularly Nathan Harris and Steve Conger. He asked Chief Andrus to pass on his comments. He also thanked everyone who helped with Pony Express Days, especially Angie Ferre, Linda Peterson and Donna Malakovich.

Councilmember Ochsenhirt

Councilmember Ochsenhirt echoed Councilmember Cieslak's comments about Pony Express Days. He expressed appreciation for the volunteer spirit in the city. He was pleased that the Mayor is taking action on the speed limit at Nolan Park.

Councilmember Ireland

Councilmember Ireland said Pony Express Days was awesome. He appreciated those who made it a success. He also complimented City staff on the quality of the fiscal year 2009 budget document.

Councilmember Lifferth

Councilmember Lifferth thanked those who were involved in the flag retirement ceremony and thanked Mr. Conger for the grommet. He also thanked those who helped with Pony Express Days, especially Angie Ferre, Linda Peterson and Donna Malakovich. He expressed appreciation to those who have made public comments in the past several weeks. He was touched by Councilmember Cieslak's reference to his grandmother, as he also has relatives from East Germany. He expressed appreciation for the many years of work from past public works boards and employees on the sewer plant.

Councilmember Burnham

Councilmember Burnham expressed condolences to the Cieslak family and to the family of Brian Miner, an Eagle Mountain firefighter who was seriously injured today and transported by Life Flight. She congratulated Pony Express Days workers, especially Angie Ferre, Linda Peterson, Donna Malakovich and Fionnuala Kofoed; also Adam Ferre for doing without his wife during Pony Express Days. She reminded residents to vote in the primary election. She requested that City staff work on an ATV ordinance and hold more town hall meetings.

Mayor Jackson

Mayor Jackson mentioned that the ATV ordinance is being studied and discussed by City staff and agreed that the City needs to hold more town hall meetings. She mentioned that she is still available to meet with residents during Mayor's hours, the 2<sup>nd</sup> & 4<sup>th</sup> Tuesdays from 6:00 – 8:00 p.m., although no one has yet asked to meet with her.

**CONSENT AGENDA**

**MOTION:** *Councilmember Lifferth moved to approve the consent agenda, with the exception that items 14 A & B be removed and made separate action items. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**11. MINUTES**

A. June 3, 2008 – Regular City Council Meeting

**12. FINAL PLAT APPROVAL**

A. Skyline Ridge 1A Final Plat

13. **POLICIES AND PROCEDURES MANUAL UPDATE – RESOLUTION 17-2008**

A. Section II: Employment Classifications/Compensation: Overtime Pay, D (3)

B. Section II: Employment Classifications/Compensation: After-Hour On-Call/Call-Out

15. **AGREEMENTS**

A. UAMPS Resource Project Agreement

16. **WARRANTY RELEASE**

A. Showdown at Eagle's Gate Plat A

**SCHEDULED ITEMS**

14. **PROFESSIONAL SERVICE AGREEMENTS (moved from Consent Agenda)**

A. 1.2 mgd Wastewater Treatment Facility

B. Fire Station No. 2 Construction Contracts

**MOTION:** *Councilmember Lifferth moved to approve a bid award of \$9,073,000 to Nelson Brothers Construction for construction of a 1.2 mgd wastewater treatment facility. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Lifferth moved to approve a bid award to Entelen Design Build LLC for construction of an addition to Fire Station #2. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

17. **PUBLIC HEARING - Consideration and Adoption of Final Amendments to the Fiscal Year 2007-2008 Budget.**

City Administrator John Hendrickson presented final amendments to the fiscal year 2007-2008 budget. The Utah Code requires that any final increases to the budget be adopted after a public hearing and prior to the fiscal year end. The amendments cover all anticipated expenditures through the fiscal year ending June 30, 2008. The amended budget should cover all eventualities so that the City will not be cited by the auditor for budgetary non-compliance. The proposed amendments include the following:

- General Fund – increases in attorney's costs, overtime for Public Safety and Street Department workers, and Parks Department equipment and supplies, totaling \$192,500. The new General Fund expenditure limit, which must be approved by the City Council, will be \$8,588,455.
- Special Improvement Districts – increased expenditures in the amount of \$1,845,000, primarily due to some early bond calls. The City has already received these funds, so there will be no fiscal impact.
- Impact Fee Fund – increased impact fee reimbursement agreements totaling \$1,091,840.

- Capital Projects Fund – increase of \$359,600 for road projects and other expenditures.
- Enterprise Funds – increase of \$140,000 in the Solid Waste Fund.

*\*\*Mayor Jackson opened the public hearing at 8:00 p.m. Hearing no comments, she closed the hearing.\*\**

**MOTION:** *Councilmember Burnham moved to adopt Ordinance 13-2008, amending the fiscal year 2008 budget, and authorize the City Administrator to use the unreserved fund balances in the General Fund to cover a potential shortfall in net income or to transfer to the Capital Projects Fund any unreserved balance fund over the 18% limit allowed by State statute. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

### **18. PUBLIC HEARING – Consideration and Adoption of the Fiscal Year 2008-2009 Budget.**

The proposed City budget for fiscal year 2009 was presented by City Administrator John Hendrickson. The Utah Code requires that the City Council hold a public hearing on the proposed budget and that the budget be adopted by June 22. The tentative budget was accepted by the City Council on May 6, 2008. After a public hearing, the City Council can move to adopt the final budget as proposed or with amendments. The final budget will be the document that governs the expenditures for the FY 2008-2009.

Mr. Hendrickson explained that the budget includes a number of funds, such as the General Fund, Debt Service Fund, Capital Facilities Fund, Enterprise Fund, Internal Service Fund, etc. The General Fund will total approximately \$8.4 million. Total City expenditures will be approximately \$40.5 million in fiscal year 2009. Expenditures by percentage of total budget are as follows:

- General Fund – 17%
- Debt Service – 10%
- Capital Projects – 42%
- Enterprise Funds – 30%
- Fleet – 1%

The approximate General Fund breakdown by percentage is as follows:

- Sales, property and use taxes – 40%
- Interfund transfers – 23%
- Planning, building and engineering fees – 15%
- Fines and miscellaneous revenues – 10%
- B & C road funds – 6.5%
- Other services – 3%
- Intergovernmental funds and grants – 1%
- Fees, taxes and grants – 1.5%

*\*\*Mayor Jackson opened the public hearing at 8:16 p.m.\*\**

Ms. Tiffany Ulmer, 1320 Harrier Street, asked that the City Center sewer fee be reduced as soon as the bonds are paid down. She suggested that the City use natural gas vehicles. She mentioned that Hawk

Way is having road failure. She requested lights at the park and the pavilion in Eagle Park. She suggested that the City's trash contractor, Allied Waste, consider using the Fairfield landfill to reduce residents' collection fees.

*\*\*Mayor Jackson closed the public hearing at 8:17 p.m.\*\**

Mr. Hendrickson thanked the budget committee – Jason Walker, Ifo Pili, Flint Menseh and Eli Jones – for their excellent work on a very difficult assignment.

Councilmember Lifferth asked Mr. Hendrickson to detail what percentage of property taxes the City receives. Mr. Hendrickson responded that 13% of residents' property taxes go to the City. The school district receives at least 55% , the County receives at least 20% and the rest goes to special service districts.

Councilmember Lifferth also asked about sewer rates in the North Service Area. The Timpanogos Special Service District needs an immediate \$15 million for infrastructure repairs, followed by approximately \$100 million in upgrades. That will create approximately a 40% increase in North Service Area sewer rates. Mayor Jackson mentioned that the new bond for the South Service Area treatment plant makes it unlikely that sewer rates in that area will be reduced anytime soon.

Councilmember Lifferth pointed out that this year's budget does not depend on growth. All expenditures will be accounted for by current revenues.

Councilmember Ireland commented that the percentage of the General Fund revenue that comes from interfund transfers has increased in each of the last three years. He hoped that with an increase in commercial growth, that percentage will decrease rather than increase.

**MOTION:** *Councilmember Lifferth moved to adopt Ordinance 14-2008, adopting the fiscal year 2009 budget. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

*\*\*Councilmember Ochsenhirt was excused at 8:30 p.m.\*\**

**19. PUBLIC HEARING – Consideration of an Amendment to the Eagle Mountain City Development Code Title 1, Chapter 5, Residential Zone; Title 1, Chapter 16, Sign Regulations; and Title 1, Chapter 20, Site Plan Reviews – Discussion Item Only.**

Planning Director Peter Spencer presented proposed amendments to the Development Code. The proposed amendments are as follows:

1. Title 1, Chapter 5 (Residential Zone) clarifying how the height of a structure is measured.
2. Title 1, Chapter 16 (Sign Regulations).
  - A. Allowing for independent monument signs for businesses that have stand-alone buildings.
  - B. Permitting changeable copy signs in commercial, airpark and industrial zones.
  - C. Requiring staff approval of all temporary event signage.
3. Title 1, Chapter 20 (Site Plan Reviews).

- A. Allowing for some flexibility in industrial master site plans, such that the Planning Director may waive some required information regarding buildable square footage, parking and storm drainage and utility information.
- B. Allowing for an industrial master site plan to serve as a preliminary plat if certain information is provided initially.

*\*\*Mayor Jackson opened the public hearing at 8:51 p.m. Hearing no comments, she closed the hearing.\*\**

Discussion ensued. This was a discussion item and did not require action by the City Council.

**20. MOTION – Consideration and Approval of a Temporary Site Plan for a Seminary Building.**

BACKGROUND: *(Presented by Planning Staff)* Eagle Mountain City has received an application from the LDS Church to install temporary Seminary buildings designed for the use of Rockwell Charter High School students. The site is located just east of the High School in the Saddle Junction subdivision, Lot 104. The proposal is to locate temporary trailers to use as seminary buildings for the Rockwell Charter High School. The temporary structures will be used to facilitate seminary students until a permanent building is built within the next two years. The Planning Commission approved the Conditional Use Permit for the temporary trailers at the June 10<sup>th</sup>, 2008, Planning Commission meeting.

**MOTION:**

*Councilmember Lifferth moved to approve the temporary LDS seminary building site subject to the following conditions:*

*Engineering Dept. –*

- 1. *SERVICE LATERALS. Use poly pipe for 2” service lateral and type “k” soft copper for ¾ inch laterals.*
- 2. *WATER LINE. Show on the plans the size of existing water line at the point of connection.*
- 3. *SEWER. City Engineer review and approval of all sewer lines, manholes and cleanouts.*
- 4. *ADA STANDARDS. Truncated dome on ADA ramp per ADA requirements.*

*Fire Dept. –*

- 1. *FIRE HYDRANT. The fire hydrant installed as marked.*
- 2. *LOCK BOX. A lock box purchased from Alpine Lock.*

*Planning Dept. –*

- 1. *SCREENING. That screening from SR 73 is provided using potted trees or other landscaping as approved by City Staff.*

*Building Dept. –*

- 1. *CLASSROOMS. Classrooms need to be labeled and occupant load labeled.*
- 2. *CODES. Meet all IBC and ADA guidelines.*

*Additional City Council conditions –*

- 1. *TEMPORARY USE. One year with a one year renewal*

*Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

**21. AGREEMENT – Consideration and Approval of an Encroachment Agreement with Kern River Gas Company and a Bike Park Construction Agreement with WAFTA.**

The City Council recently approved a plan for a bike park. In order to move forward, two agreements need to be executed: an encroachment agreement with Kern River Gas Company and a construction agreement with the Wasatch Area Freeride Trails Association (WAFTA).

**MOTION:** *Councilmember Ireland moved to approve a construction agreement with the Wasatch Area Freeride Trails Association. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Ireland moved to approve an encroachment agreement with the Kern River Gas Company. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

22. **RESOLUTION – Consideration and Adoption of a Resolution Authorizing The Issuance and Sale of Not More Than \$6,665,000 Aggregate Principal Amount of Sewer Revenue Bonds, Series 2008, of Eagle Mountain City, Utah; Fixing The Maximum Aggregate Principal Amount of The Bonds, The Maximum Number of Years At Which The Bonds May Be Sold; Providing For The Publication of a Notice of Public Hearing and Bonds To Be Issued; Providing for the Running of a Contest Period and Related Matters.**

The Utah Quality Board authorized a loan for the construction of a 1.2 mgd sewer treatment facility. The loan is to be secured by a revenue bond issued by Eagle Mountain City. The Utah Quality Board will require annual payments on the bonds.

**MOTION:** *Councilmember Lifferth moved to adopt Resolution R-16-2008, authorizing the issuance of no more than \$6,665,000 aggregate principal amount of sewer revenue bonds, series 2008, of Eagle Mountain City, Utah; fixing the maximum aggregate principal amount of the bonds, the maximum number of years at which the bonds may be sold; providing for the publication of a notice of public hearing and bonds to be issued; providing for the running of a contest period and related matters. Councilmember Erik Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

## **CITY COUNCIL/MAYOR'S BUSINESS**

### Councilmember Cieslak

Councilmember Cieslak stated that a fire hydrant at the corner of Windhover & Sparrow Hawk Drive did not have a red-painted curb. Mayor Jackson responded that fire hydrants in the city normally do not have red-painted curbs.

### Councilmember Ireland

Councilmember Ireland had no comment.

### Councilmember Lifferth

Councilmember Lifferth congratulated the Celtics on their fourth-quarter, 34-point lead.

### Councilmember Burnham

Councilmember Burnham said residents have requested a crosswalk at the traffic light on SR 73 near the new high school.

Councilmember Ochsenhirt

Councilmember Ochsenhirt was excused earlier in the meeting.

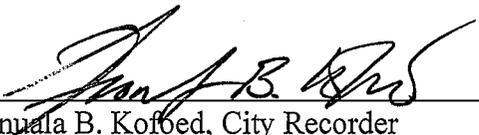
Mayor Jackson

Mayor Jackson had no comment.

**ADJOURNMENT**

Councilmember Ireland **moved** to adjourn the meeting at 9:28 p.m.

APPROVED BY CITY COUNCIL JULY 1, 2008

  
\_\_\_\_\_  
Fionnuala B. Koford, City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL  
SPECIAL MEETING

July 1, 2008

Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:04 p.m. Scout Troop 1085 led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth (telephonically), Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Economic Development Director; Jason Walker, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Chris Trusty, Public Works Director; Eric McDowell, Sergeant; Gordon Burt, City Treasurer.

**CONSENT AGENDA**

1. **MINUTES**
  - A. June 17, 2008 Regular Meeting
  
2. **FINAL PAYMENT**
  - A. 2007 Ranches Parkway Improvements – Geneva Rock

**MOTION:** *Councilmember Ireland moved to approve the consent agenda, with the exception that item 3a, Pony Express Skate Park Design and Build, be removed and placed on the policy session agenda as an action item. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**POLICY SESSION**

3. **BID AWARD AND CONTRACT FOR PROFESSIONAL SERVICES – Pony Express Skate Park Design and Build (American Ramp Company).**

Management Analyst Jason Walker presented the Bid Award and Contract for the Pony Express Skate Park Design and Build. A Skate Park Committee was formed in the Spring of 2008 and was tasked with reviewing several bid designs for a skate park which will be located in the Pony Express Park. Funds for the skate park were approved in the FY 2008-2009 Eagle Mountain City Budget. The Committee is recommending to the City Council that the bid be awarded to American Ramp Company. The Committee felt that the ARC proposal held several distinct

advantages over the other bidders namely: 1) It gives the City the most park for the budget. 2) It comes with a 20 year warranty. 3) It has substantially lowered maintenance costs. 4) Since it is a modular option, the park can be expanded. 5) The park could also be moved if necessary. 6) The park could be completed by the end of summer 2008. The ARC plan is only for \$300,000, leaving \$50,000 for other park improvements including a pavilion, tot-lot, and other landscaping.

Mr. Walker explained that the American Ramp Company was the only one who presented and above ground skate park. He said that with this type of modular ramp system it will be easy to expand in the future, as well as change out the different ramps and features.

Discussion took place regarding lighting and fencing for the skate park. Mr. Walker suggested that these features not be included in the budget for the skate park. He said that he would like to see the Youth Council hold fund raisers to get the money for those things.

Nathan Emo explained that it is typical for skate parks to be built on a 4 inch pad. He said that if the Council feels it necessary, a thicker pad can be built.

Councilmember Ochsenhirt stated that Eagle Mountain had collapsible soils and that he would like to see something thicker than a 4 inch pad built.

Chris Trusty suggested that a 4 to 6 inch pad be built because of the soil conditions. He said that he would have to review the project in detail in order to give an exact thickness for the pad.

Mayor Jackson said that the 20 year warranty is a great feature that the American Ramp Company offers.

Nathan Emo explained that this type of setup is cheap to maintain. He said that there are no surface screws on the amenities, so skaters can not get hurt.

Councilmember Burnham felt that there would be better success for a fundraiser if there was something fun involved, instead of just the fencing and lighting.

Nathan Emo explained that the City's insurance may require that a fence not be installed because it can become an additional liability for the City.

Councilmember Lifferth asked if the location had sufficient access in case of an emergency.

Sergeant McDowell said that there should be no problem with accessing the site if there is an emergency. He also said that there will be a park curfew and that Sheriff's will be patrolling the park at night to make sure nobody is using it, he was unsure if the fence would be necessary.

Mr. Hendrickson said that the fence would not have an influence on insurance premiums.

Councilmember Lifferth felt that the fence would be uninviting and that it could become a problem for emergency services getting in and out of the park. Because there are no ditches or holes that someone could fall in just a concrete pad, there is no need for a fence.

Nathan Emo said that the amenities could not be moved and that they are put together with tamper resistant tools, which means household tools cannot be used to take the amenities apart.

Mayor Jackson explained that the funds for this park were coming from impact fees collected for improvements to the regional park.

Councilmember Ireland asked if the gravel road going to the park would be paved. Mayor Jackson said that it would remain as is.

**MOTION:** *Councilmember Ireland moved to approve the Bid Award and Contract for the Pony Express Skate Park Design and Build to American Ramp Company, subject to the following conditions:*

- 1. That a fence is not included in the bid.*
- 2. That lighting is not included in the bid.*
- 3. That the concrete pad be approved by the City Engineer.*

*Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

*Councilmember Ochsenhirt was excused from the meeting at 8:09 p.m.*

4. **RESOLUTION – Consideration and Adoption of Resolution No. R 18-2008, a Resolution of the City Council of Eagle Mountain City, Utah, Acknowledging and Approving Assignment of Banked Water Entitlement.**

The Oquirrh Mountain Ranch, LLC has banked water rights for use within the City on various projects. The Assignment before the Council for approval is an Assignment to Central Bank & Trust of the banked water entitlement which will be held as collateral by Central Bank & Trust. The Assignment has been reviewed and is in proper form.

**MOTION:** *Councilmember Cieslak moved to approve Resolution No. R 18-2008, a Resolution of the City Council of Eagle Mountain City, Utah, Acknowledging and Approving Assignment of Banked water Entitlement. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth. The motion passed with a unanimous vote.*

5. **IMPACT FEE REPORTS**

A. **MOTION - Consideration and Approval of Filing of Multiyear Impact Fee Receipt, Expenditure and Pending Projects Reports for Eagle Mountain City Capital Facilities.**

City Attorney Jerry Kinghorn and Economic Development Director Ifo Pili presented the Multiyear Impact Fee Receipt Expenditure and Pending Project Reports for Eagle Mountain City Capital Facilities. Utah law requires the filing of the income collected by the City as impact fees and the expenditure of impact fees on an annual basis. The reports prepared for execution and filing by the City Treasurer after approval of the City Council are the first

reports filed by Eagle Mountain City and begin with the initial impact fees collected by the City and end with the impact fees collected and expended by June 30, 2007.

Mr. Kinghorn explained that the impact fee reports are a compilation of years of data on the collection of impact fees.

Mr. Pili said that there were a lot of discrepancies on these spreadsheets and because of this the City has gone back and scanned in every building permit the City has ever issued. These permits were sent over to Lewis and Young who then compiled a spreadsheet of data.

Mr. Hendrickson explained that all expenditures had to comply with the Capital Facilities Plan.

Mr. Kinghorn explained that these reports will influence the Capital Facilities Plan Amendment.

Mr. Hendrickson said that the City had met with the Auditor and that the Auditor will make the necessary adjustments to the Audit based on of the reports that have been compiled.

Councilmember Lifferth stated that on the transportation fee report under 2006 there was an asterisk by Bobby Wren Boulevard and Porter's Crossing Road. He asked why those items had an asterisk by them.

Mr. Kinghorn explained that at the time there were no funds to complete those projects therefore an asterisk has been placed by them.

Councilmember Lifferth said that at some point in the future he would like to see how much it has cost the City to compile these Impact Fee Reports.

Mayor Jackson said that City Staff, Lewis & Young, and the City Attorney's Office have all put in hours to compile these reports.

Mr. Pili explained that specific Impact Fee Accounts have been set up so that when a water fee is collected, it will go into the water impact fee account instead of into one general account.

Councilmember Cieslak stated that in laying this foundation of completing all the previous reports, the City will never have to do this extensive project again.

Councilmember Ireland asked if the 2008 report was completed. Mr. Hendrickson explained that the City has those numbers but the report does not need to be filed with the State until December. The target date for turning in the audit will be in November.

**MOTION:** *Councilmember Cieslak moved to approve the Filing of the Multiyear Impact Fee Report Expenditure and Pending Project Reports for Eagle Mountain City Capital Facilities. Councilmember Burnham seconded the motion. Those voting aye: Councilmember Burnham, Councilmember Cieslak, Councilmember Ireland and Councilmember Lifferth. The motion passed with a unanimous vote.*

**B. MOTION - Consideration and Approval of Required Notice of Intent to Approve Request for Proposals for Services to Prepare "Independent Comprehensive Amendment of Capital Facilities Plan for Eagle Mountain City".**

City Attorney Jerry Kinghorn presented the Required Notice of Intent to Approve Request for Proposals for Services to Prepare an Independent Comprehensive Amendment of Capital Facilities Plan for Eagle Mountain City. Utah law provides that when an amendment to a municipal Capital Facilities Plan is contemplated, notice shall be given to three (3) specific parties by mail of the intent of the City to commence the amendment of the Capital Facilities Plan. The commencement of the amendment of the Capital Facilities Plan will occur upon the issuance of the request for proposals (RFP) to qualified individuals. It would be inconsistent with the law to issue the RFP without issuing notice first, and therefore the City provide a process for approving the notice and the draft RFP with the RFP set for final approval and issuance to qualified parties after approval of the final RFP by the City Council on July 15, 2008.

Councilmember Ireland asked how often the Capital Facilities Plan is updated. Mr. Kinghorn explained that it mainly depends on how fast the City grows and how quickly things need to be built. He suggested that this be updated annually, especially if reimbursement agreements are being issued. He also suggested that a third party be used because issues can arise of how credible an in house study is.

Councilmember Lifferth asked that inflation is considered when adjusting the Capital Facilities Plan.

Mayor Jackson suggested that the study be conducted by a third party every other year.

Councilmember Cieslak asked to see some type of documentation that shows how Eagle Mountain's Impact Fees compare to other cities. Mr. Kinghorn explained that typically the City looks at other cities fees before they adjust any numbers.

**MOTION:** *Councilmember Cieslak moved to approve the Required Notice of Intent to Approve Request for Proposals for Services to Prepare "Independent Comprehensive Amendment of Capital Facilities Plan for Eagle Mountain City. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

**6. ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Burnham moved that the City Council adjourn into a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52,4,205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

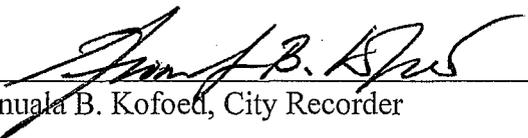
**7. OTHER BUSINESS**

None

**6. ADJOURNMENT**

**MOTION:** *Councilmember Burnham moved to adjourn the meeting at 8:14 p.m.*

APPROVED BY CITY COUNCIL JULY 15, 2008

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

July 15, 2008

**Joint Work Session at 4:00 p.m. to 6:00 p.m. – Work Session at 6:00 p.m.**

**Policy Session at 8:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. – JOINT WORK SESSION WITH SARATOGA SPRINGS CITY COUNCIL**

Mayor Heather Anne Jackson called the meeting to order at 4:04 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. Councilmember Lifferth participated telephonically.

SARATOGA SPRINGS: Mayor Timothy Parker and Councilmembers Brent Call, Denise Kelly, Jefferson Moss and Bud Poduska.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Jason Walker, Management Analyst; Eli Jones, Management Intern; Flint Menseh, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; David Norman, Staff Engineer; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

SARATOGA SPRINGS: Ken Leetham, City Manager; Jim McNulty, Planning Director; Judd Rex, Planner; Tim Hay, Fire Chief.

1. BOUNDARY BY WRITTEN AGREEMENT

Planning staff of both cities were directed to determine which city could best provide utilities to each area. The decisions made by both City Councils based on staff recommendations should be detailed in a written document.

2. TRANSPORTATION ISSUES

Mayor Parker and Mayor Jackson plan to meet with the Director of the Mountainland Association of Governments (MAG) to raise the priority of extending Pony Express Parkway to Redwood Road, and to strategize on what kind of Federal funding to apply for.

A. Roads

1. UDOT – Update and Discussion on Redwood Rd., Pioneer Crossing Blvd. and Hwy. 73  
Saratoga Springs, Lehi and American Fork have met with UDOT to discuss Pioneer Crossing, formerly known as 10<sup>th</sup> South. An agreement was made to begin construction in October or November, 2008, with a construction period of 18 months. This will allow the Pioneer Crossing work to be completed before the I-15 widening from Payson to Point of the Mountain.

The Jordan River Trail tunnel is in progress as part of SR 73 improvements. SR 73 will be widened from the crossroads to Ranches Parkway.

### 2. Pony Express Pkwy./Saratoga Springs Main St. Extension

Pony Express Parkway was the primary topic of Mayor Jackson's and Parker's trip to Washington, D.C. They requested \$4 million for engineering, design and acquisition. Saratoga Springs plans to build Center St. from Redwood Road west to the site of the new high school.

Mayor Parker and Mayor Jackson plan to meet with the Director of MAG to raise the priority of extending Pony Express Parkway to Redwood Road. They will also strategize as to what kind of project it will be to determine what Federal funding to apply for.

### 3. Any Other Intersecting Roads Planned

Saratoga Springs has long-term plans to build Riverside Drive, extending north to south adjacent to the Jordan River. It also plans to extend Foothill Blvd. (800 W) parallel to Redwood Rd.

#### B. Bus Routes

Mayor Parker met with UTA, which indicated that even if Saratoga Springs and Eagle Mountain joined the UTA transportation district, there would be little chance of getting a bus route in the near future. The cities would be considered in UTA's long-range planning. There was discussion about alternatives for bus service; possibly the system which has been used in the Daybreak community in Salt Lake City, in which UTA vehicles are used, with drivers and gas provided by the cities. Mr. Hendrickson suggested a joint study on bus service. It was suggested that Saratoga Springs and Eagle Mountain jointly lobby the Utah Transit Authority Board.

#### C. Utah Lake Bridge

The Legislature has allocated \$3 million for the West Lake Transportation Study by the Utah Lake Commission. Although Eagle Mountain has not joined the Commission, Mayor Parker indicated that Eagle Mountain staff would be welcome to attend its Technical Committee meetings and provide input.

## 3. WATER ISSUES

### A. CWP Project – Timing, Route, and Storage Siting

Storage tank locations are being determined by the Central Water Project (CWP). The piping will probably follow the alignment of Pioneer Crossing. Eagle Mountain has been working with CWP on the take-down schedule. CWP is no longer allowing reservation of water; it must be paid for up front. The system is expected to be completed by 2012.

### B. Utah Lake Commission Studies

See item 1B above.

## 4. FIRE ISSUES

### A. Mutual Aid

Chief Andrus presented the current state of mutual aid agreements. Local cities are very dependent on their mutual aid agreements and contracts with the County, especially Fairfield, which has no fire department. A major fire takes up an enormous amount of available local resources. In addition, if there is a major incident like an earthquake, school children would be a higher priority than house fires. Fire departments would have to respond to schools rather than house fires.

## B. Fire District Study

A preliminary study for a proposed fire district comprised of Saratoga Springs, Eagle Mountain, Cedar Fort and Fairfield was presented by Management Analyst Jason Walker. A fire district would provide for all municipalities which use fire services to use taxes to pay for services they receive. Advantages of a fire district would include: more efficient service delivery, elimination of duplication in administrative costs, cost distribution among all residents and greater purchasing power through economies of scale. The tax impact would be approximately \$15.00 per month on a \$200,000 home. Mayor Jackson requested that Mr. Walker email the presentation to Mr. Leetham of Saratoga Springs for distribution in Saratoga Springs and to all Eagle Mountain City Council members.

## 5. ECONOMIC DEVELOPMENT

### A. Chamber of Commerce

Saratoga Springs and Eagle Mountain would be interested in joining the Lehi Area Chamber of Commerce if the name were changed to indicate the entire area, such as the Lake Mountain Area Chamber of Commerce. A separate Chamber was suggested, as was creating a local chapter of the Lehi Area Chamber. There may eventually be a North County Chamber of Commerce with local municipal chapters. It was pointed out that the Salt Lake Chamber of Commerce has become a powerful influence in local issues. A North Utah County Chamber could develop the same kind of influence.

### B. Growth Issues

Eagle Mountain is working on getting a grocery store constructed in The Ranches. Eagle Mountain and Saratoga Springs are both members of the Economic Development Corporation of Utah (EDCU). Marketing in Utah County has been directed at the Provo/Orem area. Economic development in the Cedar Valley area needs to be promoted. Schools and roads are growth issues, as well, affecting traffic, public safety, etc.

Eagle Mountain Economic Development Director Ifo Pili and Saratoga Springs City Manager Ken Leetham were requested to work together on economic development issues.

## 6. WASTEWATER ISSUES

### A. TSSD Future Issues

The Timpanogos Special Service District (TSSD) needs upgrade and repair of the trunk line and an expansion for additional capacity. These projects will cost tens of millions of dollars, raising user rates and impact fees. A new capital facilities plan is being written, which will indicate the new user rates and impact fees. User rates may increase by as much as 40%.

### B. Trunk Line Capacity and Mount Saratoga Sewer Issues

The development on Mt. Saratoga will not be able to have sewer service unless it can be connected to the Eagle Mountain trunk line. The new high school would also like to be connected to the trunk line. Eagle Mountain and TSSD will study whether the trunk line has the capacity to service those connections. A sewer system master plan will be included in the Eagle Mountain Capital Facilities Plan. The sewer plan is expected to be completed in six to nine months.

## 7. COUNTY/STATE ISSUES

### A. County and State Officials' Effectiveness and Representation

County and state officials have been doing a reasonably good job with Eagle Mountain issues. However, the new Congressman in the 3<sup>rd</sup> District will need immediate education on transportation issues.

## B. UDOT and Other Agencies

Chief Andrus is working on a county-wide agreement with all local fire departments.

Eagle Mountain and Saratoga Springs have been unable to convince MAG of the critical importance of local transportation issues. In Washington, the mayors were told no money will be approved for any road not on the stip, but MAG informed them that no road will go on the stip (what's a stip?) without funding.

## C. Joint Lobbying

It is important that Eagle Mountain and Saratoga Springs have a unified message for state & county officials. Comments were made in Washington, D.C., that the joint visits of Eagle Mountain and Saratoga Springs increased their effectiveness.

## 8. MISCELLANEOUS

Mayor Parker thanked Mayor Jackson for organizing this joint meeting. Mayor Jackson thanked the Mayor, City Council and staff of Saratoga Springs for attending.

## ADJOURNMENT

Mayor Jackson adjourned the meeting at 6:00 p.m.

## **6:00 P.M. -- EAGLE MOUNTAIN CITY COUNCIL WORK SESSION**

Mayor Heather Anne Jackson called the meeting to order at 6:15 p.m.

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. Councilmember David Lifferth participated telephonically.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Economic Development Director; Jason Walker, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Mike Hadley, Senior Planner; Steve Mumford, Senior Planner; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

1. PRESENTATION – Santaquin City Orchard Days – Presented by Hannah Goudy, Miss Santaquin
2. DISCUSSION – North Ranch Installation of Natural Gas System – Presented by Dan Ford
3. AGENDA REVIEW

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

## 4. CITY ADMINISTRATOR INFORMATION ITEMS

City Administrator items were postponed to the end of the Policy Session.

5. ADJOURN TO A CLOSED EXECUTIVE SESSION

The Closed Executive Session was postponed to just before item 23.

ADJOURNMENT

Mayor Jackson adjourned the meeting at 8:13 p.m.

**8:00 P.M. -- EAGLE MOUNTAIN CITY COUNCIL POLICY SESSION**

CONDUCTING: Mayor Heather Anne Jackson

ELECTED OFFICIALS PRESENT: Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. Councilmember David Lifferth participated telephonically.

CITY STAFF PRESENT: John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Economic Development Director; Jason Walker, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Peter Spencer, Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Eric McDowell, Sergeant.

6. CALL TO ORDER: Mayor Heather Anne Jackson called the meeting to order at 8:29 p.m.

7. PLEDGE OF ALLEGIANCE: Karleen Bechtel led the Pledge of Allegiance.

8. INFORMATION ITEMS/UPCOMING EVENTS

- Skate Park groundbreaking, Thursday, July 17, 4:00 p.m.
- Fireworks will be allowed in the city on July 24. Illegal fireworks will be confiscated and citations will be issued.
- Senior Advisory Council ice cream social, Monday, July 28, 6:00 p.m., Nolan Park Pavilion.
- Sewer treatment plant groundbreaking, Tuesday, August 5, 4:00 p.m.
- Last week the groundbreaking was held for the expansion to Fire Station #2.

9. PUBLIC COMMENTS

Mr. John Seba, 6224 Rainesborough Circle, Murray, is employed by Nolte Associates, an engineering firm. He said he was attending the meeting as part of his research for bidding for the Amended Independent Capital Facilities Plan, as the company wishes to thoroughly understand its clients' needs.

Ms. Marlene Horsley, 9029 North Clubhouse Lane, expressed concern about speeding on her street. There are 30 children living near her. The Homeowners' Association has refused to help and removes the parents' homemade signs. The parents are requesting speed bumps.

Ms. Christy Morris, 9028 North Clubhouse Lane, also spoke about speeding. Parents try to teach their kids to stay out of the street, but children don't always remember. She has a disabled child who is unable to

understand that he needs to stay away from the street. Even the legal speed limit of 25 miles per hour is dangerous to children. Neighbors have put cones out, which are hit by drivers. A Sheriff's deputy said speed bumps are not effective because they interfere with snow plowing. She suggested speed tables, which can be removed in the winter.

## 10. CITY COUNCIL/MAYOR'S ITEMS

### Councilmember Ochsenhirt

Councilmember Ochsenhirt expressed his gratitude that he lives in a free country and can be part of the democratic process: God bless the USA.

### Councilmember Ireland

Councilmember Ireland said that a sign just south of Wal-Mart on Highway 73 says that Eagle Mountain is seven miles ahead. Two miles beyond that, a sign says "Eagle Mountain." Perhaps UDOT could let people know that Eagle Mountain is closer. It is seven miles to Eagle Mountain Blvd., but the city limit is at The Ranches.

### Councilmember Lifferth

Councilmember Lifferth had no comment.

### Councilmember Burnham

Councilmember Burnham was grateful to live in the USA. Residents in City Center put together a program in which the Declaration of Independence was read. She thanked them for taking the time to do that. She said that two disabled children live on her street. A sign was installed, which has resulted in slower driving. Mayor Jackson stated that the HOA does not allow such signs to be installed, but Mr. Hendrickson and Mr. Kinghorn responded that the HOA cannot prevent the City from installing warning signs. Mayor Jackson asked Mr. Trusty to find out how the signs should be worded.

### Councilmember Cieslak

Councilmember Cieslak was grateful at this time of year to be a citizen of the USA. He thanked the military serving in the US and abroad for their service and the sacrifice they and their families make. He expressed appreciation for the efforts the city makes to demonstrate its gratitude. He stated that he is the Council liaison to the Economic Development Board and showed a packet developed by the Board. He recommended that if anyone knows of individuals who are interested in opening a business in Eagle Mountain, they get a packet and give it to the individual. He asked for an update on the safety issues at Nolan Park. Mayor Jackson asked Mr. Spencer to pull up Nolan Park on the Google Earth internet program. She pointed out current crosswalks, which will be repainted, and locations where new crosswalks and ADA ramps will be added. If these measures do not adequately, an intensive traffic study will be done to allow for reduced speed limits.

### Mayor Jackson

Mayor Jackson acknowledged the attendance of Rep. Sumsion and Sen. Madsen at the meeting. She had asked Rep. Sumsion during work session to speak about his opinion of the City's asking the Alpine School District to participate in the business incentives to be offered by the City's new CDA area. She asked Sen. Madsen if he would do so later in the meeting. She also expressed appreciation for the service of the military, including her husband.

## 11. BOARD APPOINTMENTS

A. Karleen Bectel – Planning Commission

Mayor Jackson recommended the appointment of Ms. Karleen Bectel to the Planning Commission.

**MOTION:** *Councilmember Ochsenhirt moved to approve the appointment of Ms. Karleen Bectel to the Planning Commission to complete the term vacated by Matt Weir. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Ms. Bectel.

B. Doug Comeau – Parks and Recreation Advisory Board

Mayor Jackson recommended the appointment of Mr. Doug Comeau to the Parks and Recreation Advisory Board.

**MOTION:** *Councilmember Cieslak moved to approve the appointment of Mr. Doug Comeau to the Parks and Recreation Advisory Board to replace Jared. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

Mr. Comeau was not present and will receive the oath of office at a later date.

**CONSENT AGENDA**

12. MINUTES

A. July 1, 2008 – Special City Council Meeting – as amended

13. FINAL PLAT

A. Eagle Point F Final Plat (Revised)

14. FINAL PAYMENTS

A. SilverLake Street Trees – J. Lynn Roberts and Sons

B. 2008 Ranches Parkway Slurry Seal

15. FINAL BOND RELEASE

A. Sunrise at Kiowa Valley Plats A & B

16. BID AWARDS

A. Walden Park Detention Pond

B. Ranches Parkway Storm Drain

C. 2008 Mt. Airey Reconstruction

17. PARTIAL BOND RELEASE

A. Lone Tree Plat E – Rotomill and Overlay Bond Release

**MOTION:** *Councilmember Cieslak moved to approve the consent agenda with the minutes as amended and with items 14A, 14B and 16C removed. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

## **SCHEDULED ITEMS**

18. PUBLIC HEARING -- Public Hearing Regarding the Issuance and Sale of Not More than \$6,665,000 Aggregate Principal Amount of Sewer Revenue Bonds, Series 2008, of Eagle Mountain City, Utah.

The Utah State Water Quality Board is prepared to purchase bonds from the City to finance the construction of the new South Service Area Wastewater Treatment Plant expansion. State law requires that the City provide an opportunity for persons who have filed a protest based on the Parameters Resolution to comment before the Bond Resolution is adopted. To the date of preparation of the agenda, no comments have been received raising concerns about the proposed bonds. The bonds to be issued total \$6,665,000.00. The bonds will be issued on an equal basis (parity) with the existing bonds; that is, the existing bonds have the same priority in terms of revenue pledge as the proposed bonds. The term of the bonds is twenty years and the interest rate is subsidized by the State at 1%. Annual debt service will increase over the years to reflect growth in revenues from impact fees and annual service charges from the growth in the South Service Area. The bond repayment schedule was provided in materials with the agenda.

*Mayor Jackson opened the public hearing at 9:00 p.m. Hearing no comments, she closed the hearing.*

19. RESOLUTION -- Consideration and Adoption of a Resolution Regarding the Issuance and Sale of Not More than \$6,665,000 Aggregate Principal Amount of Sewer Revenue Bonds, Series 2008, of Eagle Mountain City Utah.

A Resolution regarding sewer revenue bonds was presented by City Attorney Jerry Kinghorn. The Bond Resolution and related documents have been drafted by Blaine Carlton of the firm of Ballard Spahr Andrews & Ingersoll to be in compliance with legal requirements. The Bond Resolution authorizes the Mayor and staff to execute all of the documents necessary to complete the closing of the transaction. Additional details are included under Item 18 above.

**MOTION:** *Councilmember Lifferth moved to approve Resolution 19-2008 approving the issuance and sale of not more than \$6,665,000 aggregate principal amount of sewer revenue bonds, series 2008, of Eagle Mountain City, Utah, as presented. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

20. MOTION -- Adjourn the Meeting of the Eagle Mountain City Council and Convene as the Board of the Redevelopment Agency of Eagle Mountain City.

**MOTION:** *Councilmember Cieslak moved to adjourn the meeting of the Eagle Mountain City Council and convene as the Board of the Redevelopment Agency of Eagle Mountain City. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

Mayor Jackson adjourned the City Council meeting at 9:05 p.m.

The City Council convened as the Board Directors of the Redevelopment Agency of Eagle Mountain City to conduct separate business.

21. **MOTION – Reconvene as the City Council of Eagle Mountain City.**

Mayor Jackson reconvened the City Council meeting at 9:40 p.m.

22. **ORDINANCE – Consideration and approval of a Land Use Ordinance Adopting the Eagle Mountain City Community Development Project Area Plan as Eagle Mountain City’s Development Plan for the Property Located in the Community Development Project Areas as presented.**

City Attorney Jerry Kinghorn presented a land use ordinance regarding the city’s Community Development Project Area. The Redevelopment Agency of Eagle Mountain has forwarded the Project Area Plan Resolution for the Project Area identified as #2008-1, the Gateway CDA, to the City Council. Having received the Resolution of the RDA Board, the City Council should enact the proposed Ordinance designating the Project Plan as the City land use development plan for the designated area of the city. The RDA record is available for additional information on the Project Area.

**MOTION:** *Councilmember Cieslak moved to approve Ordinance 15-2008, a land use ordinance adopting the Eagle Mountain City Community Development Project Area Plan as Eagle Mountain City’s Development Plan for the property located in the Community Development Project Areas as presented. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Cieslak moved to adjourn to a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

*The City Council adjourned to a Closed Executive Session at 9:33 p.m. Mayor Jackson reconvened the Policy Session at 9:45 p.m.*

23. **MOTION – Consideration and Approval of a Protected Record Classification and Ratification of Settlement Agreement.**

A settlement agreement was presented by City Attorney Jerry Kinghorn. The City has reached a settlement agreement with one of the parcel owners involved in the 138 kV line easement acquisitions. The agreement is intended to be a protected record under the Government Records and Management Act to prevent information regarding the settlement payment from becoming public information. As long as the City is in the process of acquiring easements from property owners, it needs to protect the settlement payments from becoming public information to prevent the use of the payment amounts in mediation, arbitration or

litigation proceedings. Each easement is evaluated independently; the basis for settlement with one party should not be used as evidence in other proceedings. It is recommended that the Council approve the settlement agreement discussed in the Closed Executive Session as a protected record and ratify the settlement agreement executed by the Mayor under prior authorization from the Council.

**MOTION:** *Councilmember Ireland moved to approve a protected record classification and ratification of a settlement agreement. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

24. MOTION - Consideration and Approval of Request for Proposals to Prepare an Amended Independent Capital Facilities Plan for Eagle Mountain City.

The City Capital Facilities Plan has not been subject to a comprehensive amendment since it was originally approved almost ten years ago. Some of the facilities' cost estimates are out of date, nomenclature of some facilities has been revised and the time to spend some of the funds collected needs to be reviewed and revised to meet the actual pace of the collection of funds. Other financial analysis is needed to determine whether or not some fees continue to be justified at the current rates. Amending the Independent Capital Facilities Plan is necessary to keep the City in legal compliance. Utah law requires advance notice of the intent of the City to amend its Independent Capital Facilities Plan. The required notices have been given as required by law.

**MOTION:** *Councilmember Ireland moved to approve a request for proposals to prepare an Amended Independent Capital Facilities Plan for Eagle Mountain City, to include the Wastewater Master Plan. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

25. MOTION – Consideration and Approval of a Temporary Site Plan for a Seminary Building.

Eagle Mountain City received an application from the LDS Church to install a temporary Seminary building designed for the use of Rockwell Charter High School students. The site is located just east of the high school in the Saddle Junction subdivision, lot 104. The City Council approved the temporary site plan at the June 17, 2008, City Council meeting. A condition of approval was that the LDS Church submit a complete site plan application by the end of the first year in order to apply for an extension for the second year. Conversely, if an application is not submitted by the end of the first year, the extension will not be permitted. This condition is problematic for the applicant. The number of students which will use the Seminary building at Rockwell High School will not be clear until the new Saratoga Springs High School is open. That number must be determined before the applicant can design a permanent building to replace the temporary building.

**MOTION:** *Councilmember Lifferth moved to reconsider the vote taken on July 1, 2008, on a temporary site plan for a Seminary building adjacent to Rockwell Charter High School. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Lifferth moved to approve a temporary site plan for a Seminary building adjacent to Rockwell Charter High School for a maximum of two years, subject to the conditions stated in the July 1, 2008, City Council meeting, with the stipulation that the applicant make a progress report to the Council in 16 months. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

26. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Lifferth

Councilmember Lifferth wished everyone a happy 24<sup>th</sup> of July and all month, while the nation celebrates freedom.

Councilmember Burnham

Councilmember Burnham thanked the Mayor for organizing this evening's combined meeting with the Saratoga Springs City Council. She also thanked Rep. Sumsion and Sen. Madsen for attending the meeting and being open and willing to discuss city issues.

Councilmember Cieslak

Councilmember Cieslak wished everyone a happy 24<sup>th</sup> of July. He was happy about the joint meeting with Saratoga Springs and encouraged that it be done on a regular basis.

Councilmember Ochsenhirt

Councilmember Ochsenhirt wished everyone a happy holiday.

Councilmember Ireland

Councilmember Ireland thanked Mr. Matt Weir for his service on the Planning Commission.

Mayor Jackson

Mayor Jackson informed the audience that Mr. Weir is resigning from the Planning Commission to go back to school. She appreciated the input and dialog that took place this evening. She planned to meet with Saratoga Springs again, as well as other representation, including Donna Barnes of the Alpine School District Board.

CITY ADMINISTRATOR ITEMS

The City has considered whether to participate in UAMPS projects. The wind power and modified coal power plant will be considered for City participation.

The City's information technology system will be evaluated by an outside consultant. Three areas will be evaluated: 1) the system as a whole, whether it needs to be upgraded and what options are available; 2) use of the Springbrook financial system, if it is being used to its full potential and whether the City should continue to use it; and 3) if the City should create an in-house IT department or continue to outsource.

Questions have been raised as to whether the City is holding too much money in financial accounts. Mr. Hendrickson explained that most of the money held in City financial accounts is restricted. The approximately \$41 million being held as of June 30, 2007, is restricted as follows:

- \$15 million: bond covenant/debt service restriction funds.

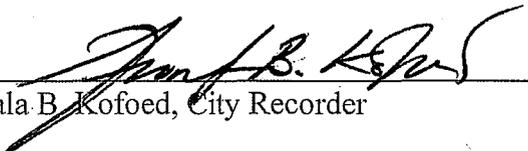
- \$11.5 million: bond proceeds, which must be used for capital improvements.
- \$7.5 million: impact fees divided into seven funds. Approximately half of that amount is in the Water Fund.
- \$7 million: fund balances for all utilities, Enterprise Funds, B and C Road Funds, the Capital Improvement Fund and the General Fund.

Mayor Jackson, Mr. Hendrickson and Councilmember Ochsenhirt have filed conflict of interest forms with the City Recorder regarding the golf tournament hosted by Development Associates.

ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 10:18 p.m.

APPROVED BY CITY COUNCIL AUGUST 5, 2008

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

MINUTES  
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 5, 2008

Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**\*\*4:00 P.M. SEWER TREATMENT PLANT GROUNDBREAKING CEREMONY – 2445 North Sweetwater Road, Eagle Mountain, Utah\*\***

**4:30 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:34 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth, and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Economic Development Director; Jason Walker, Management analyst; Flint Mensah, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trust, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Jeff Thompson, Plans Examiner; David Norman, Staff Engineer.

**1. DISCUSSION/REVIEW ITEMS**

- A. Basement Building Permits (*Presented by Kent Partridge*)
- B. UAMPS – Updates to Legislation and Pre-paid Natural Gas Agreement (*Presented by Doug Hunter*)

**2. AGENDA REVIEW**

**3. CITY ADMINISTRATOR INFORMATION ITEMS**

- A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)

**4. ADJOURN TO A CLOSED EXECUTIVE SESSION**

The City Council will adjourn into a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code.

**MOTION:** *Councilmember Cieslak moved to adjourn to a closed executive session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.. The motion passed with a unanimous vote.*

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:42 p.m. Chief Rand Andrus led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth, and Nathan Ochsenhirt

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Ifo Pili, Economic Development Director; Jason Walker, Management Analyst; Flint Mensah, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Steve Mumford, Planning Director; Jenalee Harper, Deputy Recorder; Chris Trust, Public Works Director; Adam Ferre, Energy Division Manager; Kent Partridge, Building Official; Rand Andrus, Fire Chief; David Norman, City Engineer

**5. INFORMATION ITEMS/UPCOMING EVENTS**

- Two new schools will be opening for the August 18, 2008 School Year, the Rockwell Charter High School and Hidden Hollow Elementary.
- The seniors will be having a Technology, Training & Fun Activity on August 25, 2008 at 6:00 p.m. at City Hall. All Seniors 55 and older are invited to come.
- The City's Recycling dumpsters have been relocated to the Public Works Building inside a gated area. The dumpsters will be available Monday through Friday from 8:00 a.m. to 5:00 p.m.
- Beginning September 1, 2008 the City's Utilities Department will be offering an Equal Payment plan for Residents who have resided in the City for more than 12 months. Registration Forms will be available online or in the Utility Office.

**6. PUBLIC COMMENTS**

No public comments were received.

**7. NEW EMPLOYEES**

The following new Fire Department employees were sworn in by Fire Chief Rand Andrus: Summer haymaker, John Tani, Andrew Malzar, Jason Hawkes, Armen Jacobs, and Kelly Scott.

**8. CITY COUNCIL/MAYOR'S ITEMS**

No council comments were received.

**CONSENT AGENDA**

**9. MINUTES**

- A. July 15, 2008 – Regular City Council Meeting

**10. FINAL PLATS**

- A. SilverLake 8a & 8b Final Plats
- B. Saddle Junction Lot 104 Final Plat

C. Cedar Corners 1 Final Plat

11. **BID AWARD**

A. Mt. Airey 2008 Bid Award

12. **FINAL PAYMENT**

A. Tasco – Bobby Wren Boulevard 12.47 kV Underground Feeders

**MOTION:** *Councilmember Ireland moved to approve the consent agenda. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

Councilmember Lifferth asked if an approved copy of the 2008-2009 Budget was available in the City's Library. Mayor Jackson said that she thought that there was a copy available and if not she would make sure one was available the next day.

**SCHEDULED ITEMS**

13. **SILVERLAKE**

A. **PUBLIC HEARING – Consideration and Approval of an Amendment to the SilverLake Master Development Plan.**

Mayor Jackson opened the Public Hearing at 7:56 p.m.

Erik Sewell, 7906 Brookwood Drive, said that he was excited for the new park however he is concerned with the children's safety. He feels that the new park being used as parking will increase the traffic and will be unsafe for the children.

Jacob Hammens, 7919 Brookwood Drive, said that he is concerned with connecting Brookwood Drive to Pony Express Parkway and building the park around it. He feels that this will cause safety concerns, and that Brookwood Drive will feed traffic from the park and future residences.

Larren Boyce, 7968 Brookwood Drive felt that the amphitheater was put together poorly. He is concerned with drainage. He feels that the amphitheater would be unsafe for the children.

Mayor Jackson closed the Public Hearing at 8:03 p.m.

B. **Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending the SilverLake Master Development Plan and Rezoning Certain Areas within the Master Development Plan Area.**

Steve Mumford, Planning Director, presented the Amendment to the SilverLake Master Development Plan and Rezones within the Master Development Plan Area. The applicant has requested an amendment to the SilverLake Master Development Plan, including moving 5 acres of the planned regional park to be adjacent to the existing

amphitheater for additional park/plaza space, amphitheater expansion potential, and temporary parking for large events. Other changes include density modifications, including a decrease of planned multi-family units and an increase of single-family lots. The total number of residential units/lots for the master plan will remain at 2,101.

This ordinance will formally amend the SilverLake Master Development Plan and change the zoning of this area, as proposed in the public hearing.

Mayor Jackson stated that the area would only be used as parking during Pony Express Days. This area will be monitored closely by the Sheriff's Department during this time to keep the residents safe. She said that the speed limit on SilverLake parkway was left at 35 mph to try and eliminate resident driving fast through the 25 mph residential streets.

Councilmember Ireland asked that there be crosswalks in place with orange flags, around the amphitheater.

Councilmember Lifferth asked Mr. Shipp if the Alpine School District had shown any interest in the lot designated for a future school. Mr. Shipp had not heard anything from the School District.

Councilmember Ochsenhirt asked if the road by the school site would be a major roadway. Mr. Shipp said that the road would be built to the same standards as SilverLake parkway. Mr. Shipp said that the road would be completed with SilverLake Plat 8c.

Councilmember Lifferth said that he would be concerned with the major roads having similar names. This may cause safety concerns.

Mayor Jackson said that SilverLake Boulevard will not have homes fronting the street.

Councilmember Ireland asked what ordinance number this ordinance would be.

Mrs. Kofoed explained that the Recorder's Office would like to assign ordinance numbers after the ordinance has been adopted, to avoid confusion.

Councilmember Lifferth noted that the density is being shuffled but that it is not being changed.

**MOTION:** *Councilmember Ireland moved to adopt and Ordinance of Eagle Mountain, Utah, Amending the SilverLake Master Development Plan and Rezoning Certain Areas within the Master Development Plan Area as proposed. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

#### **14. MEADOW RANCH PLAT 5**

- A. PUBLIC HEARING – Consideration and Approval of an Amendment to the Meadow Ranch Master Development Plan for Meadow Ranch Plat 5 (Rezone), Reducing the Minimum Lot Size from 1 Acre to ½ Acre.**

Mayor Jackson opened the Public Hearing at 8:14 p.m.

Jennifer Canolde, 9764 Sunset Drive, said that the City once had a Master Development Plan for Meadow Ranch and that because it has been misplaced, does not mean that it is not binding. She said that she had documentation proving that Meadow Ranch was approved for lots with a one acre minimum. Mrs. Canolde read various documentation on the one lot approvals in the different Meadow Ranch phases. She said that in 2006 the City Council and Planning Commission approved the lots so that they could only be one acre at a minimum. She feels that Meadow Ranch 5 should not be exempt from the rules that apply to all the other Meadow Ranch phases.

Mike Valentine, 9775 Shiloh Way, said that if Meadow Ranch 5 is approved with half acre lots he would like to see those lots be approved to have single family residences only, not multi family. He also expressed concern with having extra traffic generated from this subdivision and asked that a study be conducted.

Heather Christensen, 9611 N Nighthawk, said that she purchased her home in the Meadow Ranch area because of the spread out feel. She feels that by adding 22 lots to Phase 5, this will increase the traffic in the neighborhoods creating a safety hazard and the aesthetic appeal of the neighborhood.

Gary Luke, 9658 Elk Ridge Drive, said that they were promised that the lots would stay at one acre and he would like it to stay that way.

Mayor Jackson closed the Public Hearing at 8:26 p.m.

**B. Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Rezoning Certain Lands Referred to as Meadow Ranch Plat 5.**

Steve Mumford, Planning Director, presented an Ordinance to rezone certain lands referred to as Meadow Ranch Plat 5. The original Meadow Ranch Master Development Plan, approved by the Eagle Mountain Town Council in 1997, required that all lots have a minimum lot size of 1 acre. The applicant is proposing to amend the Meadow Ranch Master Development Plan to allow for ½ acre lots to be included within the next phase in Meadow Ranch Plat 5. A preliminary plat for Plat 5 was conditionally approved by the Planning Commission on July 8, 2008. In order for this preliminary plat to remain approved, this proposed rezone must be approved.

This ordinance will formally amend the Meadow Ranch Master Development Plan and change the zoning of Meadow Ranch Plat 5, as proposed in the public hearing.

Mayor Jackson said that a traffic study had been conducted. She said that the lots at one acre in size would give Phase 5 55 lots. With the proposed changes Phase 5 would be increased to 72 lots. Mayor Jackson said that the transitioning buffering is in place and meets the current standards.

Mr. Kinghorn explained that Meadow Ranch was originally zoned for 1 acre lots through a master development plan which shows streets, possible lot layouts, parks and etc. He said that in a typical situation a Master Development Plan is followed by a Master

Development Agreement which states the developer's obligations. In this particular situation a Master Development Agreement was never executed. He explained that when the ownership of Meadow Ranch changed, the new developers came in for preliminary and final plat approvals based on the Master Development Plan. He said that the developer has the right to request a rezone and that there is nothing illegal about this as long as the proposed zone is compatible with the general plan.

Mayor Jackson asked if the City Code has a definition for a Single Family Residence.

Mr. Kinghorn said that the Council can approve the zone for Single Family Residence only.

Mr. Mumford read the Development Code definition for Single Family Residence. He said that the walking path is required by Code however the other phases of Meadow Ranch do not have this walking path. Residents are concerned that the walking path would give the neighborhood a non rural feel. Mr. Mumford said that there a few asphalt trails throughout Meadow Ranch as well as dirt trails. The applicant has conducted a survey with the property owners, as well as completed a traffic study. This study has shown that the majority of traffic will down Sunset in order to leave the subdivision. In the future with the Ranches Parkway Extension, the majority of traffic will then use this road.

Councilmember Lifferth asked what will happen from an HOA standpoint with amenities.

Mr. Hendrickson explained that the existing park is currently being maintained by the City. He said that the HOA is in the process of disbanding.

Councilmember Lifferth asked if there would be an approval process that home would have to go through before being built. Mr. Mumford said that it would go through the City's process.

Councilmember Lifferth asked who would enforce the CC&R's if there is no HOA. Mr. Hendrickson said that it would up to the residents to enforce.

Councilmember Ireland asked if the Equine Overlay zone was included in the proposed ordinance.

Mr. Kinghorn said that it would be a separate process.

Mr. Mumford said that it is a part of the proposal but that it was not noticed properly.

Mayor Jackson suggested that this item be tabled so that the Equine Overlay Zone may be noticed properly and then come back to Council with the Meadow Ranch 5 Proposal so that they may be approved at the same time.

**MOTION:** *Councilmember Lifferth moved to table the Adoption of an Ordinance Rezoning Certain Land referred to as meadow Ranch Plat 5. Councilmember Ochsenhirt seconded the motion.*

Councilmember Cieslak asked what the difference was between an agreement and a plan.

Mr. Kinghorn explained that a plan is an exhibit to an agreement. He said that an agreement is a formal written document between the land owner and the City concerning special zoning considerations, uses, obligations and etc. He explained that there was never an agreement made for the Cedar Meadows area, only a plan. He also said that there were a number of issues that kept the agreement for Cedar Meadows from being finalized.

Mrs. Kofoed stated that the Equine Overlay Zone was not properly noticed at the Planning Commission or City Council level. It will need to be noticed properly before the City Council can approve it.

Councilmember Lifferth called the question.

*Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

15. **MT. AIREY VILLAGE**

A. **PUBLIC HEARING – Consideration and Approval of a Recorded Plat Amendment for Mt. Airey Village.**

Mayor Heather Jackson opened the Public Hearing at 8:50 p.m.

Mayor Heather Jackson closed the Public Hearing at 8:50 p.m.

B. **Consideration and Approval of a Site Plan for Mt. Airey Village Final Plats 1 – 12.**

No comment was received.

C. **Consideration and Approval of a Site Plan for Mt. Airey Village.**

Steve Mumford, Planning Director presented the Mt. Airey Village Site Plan. The City has received several applications from Sage Communities for the 9.95 acre Mt. Airey Village located just west of Mt. Airey Drive. This is a major revision to an already-approved and recorded project originally entitled "Spring Valley Townhomes." This previous project received final approval by the Planning commission and City Council in late 2005. The applicant is requesting to revise this project by increasing the total number of units by 17, as well as changing the product type in hopes to respond to current market trends.

Councilmember Ireland said he would like to see on street parking on a map to avoid parking issues.

Mr. Mumford said that any area where there is open space parking would be allowed. Parking is also allowed in areas between driveways. He said that striping or signage would be placed to prevent people from parking on one side of the street.

Mayor Jackson asked if each individual unit had a driveway. Mr. Mumford said that each unit has a driveway but some of them are shared driveways. They also have 1 car garages.

Mayor Jackson asked why driveways were not counted ask parking.

Mr. Mumford explained that some driveways were counted, and that it depended on if the driveways were long enough for a car to be parked. He said that each unit had 2 parking spaces.

Councilmember Ireland asked if the streets were wide enough for two lanes and street parking on both sides of the road.

Scott Kirkland said that he recommends red curbing the island in the center, however his land planner recommended using no parking signage instead.

Chief Andrus explained that if red curbing was used, you would not be able to see it during the winter months. He felt that the signage would better to use.

Mayor Jackson asked Mr. Mumford if he thought that the number of parking listed in the letter was adequate enough.

Mr. Mumford felt that there was not enough parking for the project. He said that driveway parking is not typically counted as a parking space.

Mayor Jackson said that the parking available by the pool could be used by residents in the winter months because the pool will be closed. She said that the City will not be responsible for plowing the roads in the winter months; it will be done by a private party.

Mr. Kirkland said that the building footprints could be reduced and carports could be built to help increase the number of parking stalls. The HOA requires that a vehicle be parked in the garage and that it is not to be used as storage.

Mayor Jackson read the parking requirements. She said that the there is a condition that the applicant must provide the City with proper parking calculations.

**MOTION:** *Councilmember Ireland moved to approve the Mt. Airey Village Recorded Plat Amendment with alternate parking allowed on the driveways, and that the City Council shall review the final copy of the Mt. Airey Village CC&R's. Councilmember Lifferth seconded the motion.*

Councilmember Cieslak asked what impact this alternative parking would have on the HOA.

Mr. Mumford explained that the plan is proposed with driveway and garage parking. The HOA in addition to this requires that the garage is used for parking, not storage.

Mr. Kirkland said that the amended CC&R's will be presented to the City Council with the Development Agreement.

Mr. Kinghorn explained that if the alternate parking plan has an element that requires something of the HOA, the City would then review those CC&R's.

*Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, and David Lifferth. Councilmember Ochsenhirt abstained from voting. The motion passed with a unanimous vote.*

Councilmember Ochsenhirt stated that he lived in Mt. Airey and that he is opposed to having this high density housing in his backyard. He felt that he could not bring a clear conscience to the vote.

**MOTION:** *Councilmember Ireland moved to approve the Mt. Airey Village Site Plan and Mt. Airey Village Plats 1 through 12 subject to the following conditions:*

- *That alternate parking is allowed on the driveways.*
- *That the City Council review the final draft of the CC&Rs.*
- *That the existing plat is vacated to accommodate the approved record of survey for each condominium.*
- *That final record of survey plats be submitted and approved.*

*Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth. Councilmember Ochsenhirt abstained from voting. The motion passed with a unanimous vote.*

**16. THE VILLAGE AT SIMPSON SPRINGS**

**A. PUBLIC HEARING – Consideration and Approval of a Master Development Plan Amendment for The Ranches.**

Mayor Heather Jackson opened the Public Hearing at 9:19 p.m.

Mayor Heather Jackson closed the Public Hearing at 9:19 p.m.

**B. Consideration and Approval of The Village at Simpson Springs Final Plats 1 – 5.**

**C. Consideration and Approval of a Site Plan for The Village at Simpson Springs.**

**D. Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending The Ranches Master Development Plan and Rezoning the Area Designated as “Prairie Gate Ranch West R1 N2” to Increase the Density and Change the Land use and to Rename a Part of the Area as “Prairie Gate Ranch West R1 N2 Phase 2”**

Mr. Mumford explained that the City has received several applications from Sage Communities for The Village at Simpson Springs, located west of the Willow Springs condominium development. The Village at Simpson Springs Plat A (previously referred to as Willow Springs Phase 5), received final plat approval in 2001 and was recorded in 2007. For various reasons, the applicant wants to modify that previous approval by modifying the site plan, final plat and master development plan.

This ordinance will formally amend The Ranches Master Development Plan, change the zoning of and rename this area, as proposed in the public hearing.

Mr. Mumford said that density is being added to the two northern bubbles on the plan. He said that there was a draft site plan showing how many units could possibly fit into the project. The developer is not held to this plan. This project will have a higher density than the Willow Springs project. Staff recommends that the project be reduced from 24 units per acre to 18.

Councilmember Lifferth asked if a traffic study had been conducted. Mr. Mumford said that a traffic study had not been conducted because it had already been approved for 76 units.

Councilmember Lifferth asked that a traffic study be conducted because the density is being increased.

Mr. Trusty felt that the increase in units would not greatly impact the traffic flow; therefore Staff did not require that a second traffic study be conducted.

Mayor Jackson asked how many units were in the Willow Springs Buildings. Mr. Mumford said that there were 12 in each building.

Mr. Kinghorn stated that according to the map included in the staff report, the density is 12 units per acre.

**MOTION:** *Councilmember Lifferth moved to approve The Ranches Master Development Plan Amendment of Simpson Springs Phases 1 through 5 and the Village at Simpson Springs Site Plan as per proposed by the applicant. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Ochsenhirt moved to adopt an Ordinance of Eagle Mountain City, Utah, Amending The Ranches Master Development Plan and Rezoning the Area Designated as "Prairie Gate Ranch west R1 N2" to Increase the Density and Change the Land use and to Rename a Part of the Area as "Prairie Gate Ranch West R1 N2 Phase 2". Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**17. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.**

Flint Mensah presented the Consolidated Fee Schedule changes. The Consolidated Fee Schedule changes will be amended to reflect an increase to garbage collection fees; park reservation fees; business licensing fees; sign permit fees; and implement commercial utility rates.

Mr. Mensah explained that Allied Waste has increased its garbage collection rates due to the increase in fuel costs. He said that the City will need to increase its garbage collection fees to compensate for the increase in cost by Allied Waste. Each residence will be charged an extra \$1.00 per month. This increase will be included as a fuel surcharge in the City's Consolidated Fee Schedule.

Mayor Jackson said that it is being added as a fuel surcharge so that at a later time it can easily be removed from the Consolidated Schedule. She said that if it is incorporated into the rate, it makes it much harder for it to be removed at a later time.

Councilmember Ochsenhirt said that he did not like the idea of adding a surcharge to the fee schedule. He feels that the \$1.00 increase should just be included into the garbage rate. He asked if there was anybody in the City that was stupid enough to not know that they are paying more because the fuel costs have gone up. He said that no one likes seeing surcharges on their bill.

Councilmember Ireland asked if the City's costs could be tied to Allied Waste's costs, and just amend the Consolidated Fee Schedule every 6 months. He said that he would prefer to see his garbage bill come directly from Allied Waste, rather than the City.

Councilmember Cieslak concurred with Councilmember Ireland's comments.

Councilmember Ireland asked that a notice be sent out with the next utility bill that states the City is increasing the fee because Allied Waste is charging the City more money.

Mr. Walker explained that the City has chosen to charge a little more so that it can easily be adjusted later; it will also prevent having to change the Consolidated Fee Schedule on a monthly basis.

Mayor Jackson said that if the City only increases by \$0.60 cents now, in a few months the City will have to increase the fee again, which would cause the City to have to subsidize the costs again.

Councilmember Ireland said that he does not want to see any money lost or gained from this increase.

Mr. Mensah explained that Pioneer Park and Walden Park have been added to the Park Reservation Fee Schedule so that Residents and Non-Residents may reserve these parks. The reservation fee will be similar to the other parks.

Councilmember Burnham asked why only a few parks were listed on the reservation schedule.

Councilmember Ireland asked why the City was charging a fee.

Mr. Trusty explained that the fee was to cover cleanup and inspection costs. He said that actual costs have not been reviewed. He also said that the parks that are listed on the reservation schedule are there because they are the most used by residents and because they are multi-function parks.

Mr. Mensah explained that the new commercial rate would give larger consumers a discounted kWh charge (as they are buying in bulk), while still covering the City's debt service and operation & maintenance costs. He said that the larger electric consumers also provide additional benefits to the City in the way of jobs for residents, services, and tax revenue.

Mr. Hendrickson said that this would be a more business friendly service and that it makes the City safe and ensures that we meet our debt service and operating cost.

Mr. Walker said that the demand charge if not watched properly can majorly impact a bill. He also said that because they are buying in bulk, the total revenue collected by the City is greater than each individual resident.

Mr. Hendrickson said that it is fixed verses variable cost.

Mr. Ferre said that the City's peak is late in the evening and that the City is charged at its highest peak.

Mr. Walker explained that this will need to be reviewed at a future date to see what time the different businesses are spiking.

Mr. Mumford explained that the yearly sign lease fee is \$300.00 and that there is not an application fee. He said that Staff is proposing a \$50.00 application fee to cover the time it takes staff to process the application. Staff is also proposing that the \$300 fee be changed to "as determined by the City Council"

Mr. Hendrickson explained that the business license fee changes had been removed because Mr. Pili felt that this would not send the right message to commercial businesses, especially when the City is encouraging economic growth.

Mayor Jackson explained that the sign leases have expired and will be presented before the Council in a few weeks. She said that by changing the fee to say "as determined by city council" would allow the council to increase or decrease the lease fee depending on research and findings.

Councilmember Ireland asked if there were other items in the consolidated fee scheduled that stated "as determined by city council".

Mayor Jackson said that there was not but rather there were items that stated "as per current State approved rate."

**MOTION:** *Councilmember Lifferth moved to adopt a Resolution of Eagle Mountain City, Utah Amending the Eagle Mountain City Consolidated Fee Schedule that governs garbage collection fees, park reservation fees, sign permit fees and the commercial utility rate fees. And that the garbage surcharge fee of \$1.00 is a separate item in the bill. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**18. ORDINANCE – Consideration and Approval of an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Development Code Title 1, Chapter 5,**

**Residential Zone; Title 1, Chapter 16, Sign Regulations; and Title 1, Chapter 20, Site Plan Reviews.**

Mr. Mumford explained that the City Council held a public hearing at the June 17, 2008 meeting to consider the proposed amendments to the Eagle Mountain City Development Code. This ordinance adopts the proposed amendments to the Development Code. The proposed amendments are related to building height, signage and master site plans. The proposed building height amendment will take the average between the highest grad adjacent to the structure and the lowest grade. That average grade determines the point from which you measure to the highest point of the roof. The proposed monument sign will allow the City to still require a combined monument sign for buildings with multiple businesses, but it also allows for individual monument signs for businesses in stand-alone buildings. These stand-alone building monument signs cannot be more than 4 feet in height and 32 square feet in size. Signage must also be large enough to not cause an undue burden to read or understand. The proposed changeable copy signage will be allowed in commercial, airpark and industrial zones as long as the wording area is not more than 50% of the sign face. The proposed temporary event signage will require that such proposals go before both the Planning Commission and City Council for approval. Industrial Master Site Plans will have fewer requirements because it is difficult to pin down an exact layout of lots and the size that is required.

Councilmember Ireland asked if lawyers would have to be involved to determine what undue burden means in the signage chapter.

Mayor Jackson said that the school signage would be exempt from these codes and standards. She also asked if the section from the signage chapter was too vague where it refers to "undue burden."

Mr. Kinghorn said that the City would have a difficult time enforcing the code with the language reading that way.

**MOTION:** *Councilmember Cieslak moved to adopt an Ordinance of Eagle Mountain City, Utah, Amending the Eagle Mountain City Development Code Title 1 Chapter 5, Residential Zone; title 1, Chapter 16, Sign Regulations, striking the verbiage the indicates "undue burden"; and Title 1, Chapter 20, Site Plan Reviews. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**19. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Approving a Building Use Policy.**

Mr. Kinghorn explained that the proposed resolution is for the adoption of a Building Use Policy which would allow private groups to use facilities within City Hall. The policy establishes rules and charges for the use of the facilities and times that facilities would be available. Mr. Kinghorn said that the City Council Chambers will be the only room available for use.

Mayor Jackson said that the kitchen is not available to private groups because it would cause a security issues for City Staff.

**MOTION:** *Councilmember Lifferth moved to adopt a Resolution of Eagle Mountain City, Utah, Approving a Building Use Policy, and changing the hours available on Wednesdays from 8:00 a.m. to 11:00 p.m.*

Mayor Jackson asked if the Consolidated Fee Schedule would need to be updated to reflect these changes.

Mrs. Kofoed said that the Consolidated Fee Schedule would need to be updated and brought before City Council for approval.

Mr. Kinghorn asked why the hours on Wednesdays were only from 8:00 to 4:00 p.m. He suggested changing it to 11:00 p.m.

*Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**20. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Annexing an Area of Approximately 156 Acres Commonly known as the Amsource Annexation.**

Mr. Kinghorn explained that on August 24, 2005, a petition was submitted to annex approximately 156 acres off Pony Express Parkway, north of the SilverLake subdivision. Annexation of this property will close the gap between Saratoga Springs and Eagle Mountain City in this area. A petition was accepted by the Recorder's Office and verified by the City Engineer on April 27, 2006, and certified by the City on May 16, 2006. The 30-day protest period has run and no protests to the annexation were received. The plat for the Amsource Annexation was never recorded with Utah County and therefore must be presented to the City Council for re-approval and subsequently recorded to be considered valid.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, Annexing an Area of Approximately 156 Acres commonly known as the Amsource Annexation. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**21. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City, Utah, Consenting to the Inclusion of Eagle Mountain City in the Utah Valley Dispatch Special Service District.**

Mayor Jackson explained that the Utah Valley Dispatch Special Service District is consolidating all of the cities using dispatch services into one district. All other dispatch service will remain the same. The Legislature passed a new law that all cities wishing to enter into any special service district must pass a resolution. This resolution was discussed at a meeting held July 29<sup>th</sup> for Mayors, City Managers and Council Members. It was decided that cities will move forward in support of forming the district, with the funding yet to be determined.

**MOTION:** *Councilmember Lifferth moved to adopt a Resolution of Eagle Mountain City, Utah, Consenting to the Inclusion of Eagle Mountain City in the Utah Valley Dispatch*

*Special Service District. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**22. CITY COUNCIL/MAYOR'S BUSINESS**

COUNCILMEMBER CIESLAK

Councilmember Cieslak announced that it was his wedding anniversary, and that he had been married for 8 years.

COUNCILMEMBER OCHSENHIRT

Councilmember Ochsenhirt said that he loved his wife and that he is grateful to be a part of the City Council. He said that he has received several comments about the brown grass throughout The Ranches and he hopes that this has been taken care of.

COUNCILMEMBER IRELAND

Councilmember Ireland wished Peter Spencer, former Planning Director farewell. He thanked Steve Mumford for taking the Place of Planning Director.

COUNCILMEMBER LIFFERTH

Councilmember Lifferth recognized Eagle Mountain Resident, Brandon Waters. He said that Mr. Waters had been selected by KSL to be their correspondent to go back to the Republican National Convention. He also said that Mr. Waters has had a lot of air time on KSL and has become a Local Hero. Councilmember Lifferth stated that in his neighborhood there has been a lot of flooding because of poor planning. He submitted a petition to the City Council signed by residents in his neighborhood asking that the bonds for Highlands on the Green not be released and that they not be allowed to enter into their warranty period until the flooding situations have been taken care of.

COUNCILMEMBER BURNHAM

Councilmember Burnham requested that in the future when there is going to be water restrictions, she would like to have an email sent to her so that she is aware of the situation in case residents ask her questions about it.

Mayor Jackson asked if the City was still holding the bonds for Highlands on the Green. Mr. Trusty stated that the bonds had not yet been released. He said that he was not sure if the warranty bond would cover flooding issues.

Mr. Kinghorn explained that residents change their lots sometimes which makes them responsible for the flooding situations.

Councilmember Lifferth stated that some residences now have mold problems because of all the flooding issues.

Mr. Kinghorn said that sometimes there are drainage easements which the City could enforce.

JOHN HENDRICKSON, CITY ADMINISTRATOR

Mr. Hendrickson said that Well #4 has been drilled and that the soil there has a high content of sulfur in it. He said that because of this there is an odor and taste associated with it. He

explained that the well meets all of the state requirements but that the City is concerned with running the well until the taste and odor issues have been resolved. The City is looking at chemical additives to reduce the taste and smell of the sulfur in the water. Mr. Hendrickson said that the City is also looking at using the well strictly for irrigation purposes.

Mr. Hendrickson explained that the City has preliminary been awarded a 90/10 grant which will help purchase a new brush truck.

Mr. Hendrickson said that the City has received bids for the Sweetwater Trail and that the Council will be reviewing those at the August 19<sup>th</sup> City Council Meeting. He said that the engineers estimate was \$521,960.00; the lowest bidder was Staker and Parsons at \$568,286.00. He said that the school district is concerned with no trail by the school so in the bid it is required that the north end of the trail be constructed first. He said that the school district will be providing bussing until the trail has been completed.

Mayor Jackson asked what the City could do to mitigate the number of buses. Mr. Hendrickson explained that the City will be having a meeting with the school district to work out the details. He said that the curb and gutter will be taken out and redone because it was not constructed properly. The school district will have the area graded and based in the interim.

## 23. COMMUNICATION ITEMS

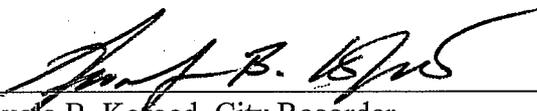
### Upcoming Agenda Items

None

### ADJOURNMENT

Councilmember Lifferth moved to adjourn the meeting at 11:03 p.m.

APPROVED BY CITY COUNCIL AUGUST 19, 2008

  
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Fionnuala B. Kofoed, City Recorder

MINUTES  
EAGLE MOUNTAIN SPECIAL CITY COUNCIL MEETING

August 7, 2008

12:00 Noon

Eagle Mountain Administrative Conference Room, 1650 East Stagecoach Run, Eagle Mountain, Utah  
84005

**12:00 NOON SPECIAL SESSION – ADMINISTRATIVE CONFERENCE ROOM**

Mayor Heather Anne Jackson called the meeting to order at 12:02 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham and Eric Cieslak. Councilmembers Ryan Ireland and David Lifferth participated telephonically. Councilmember Nathan Ochsenhirt was excused.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Chris Trusty, Public Works Director; Fionnuala Kofoed, City Recorder.

1. **BID APPROVAL AND AWARD OF CONTRACT – Consideration of Bid Approval and Award of Contract for Sweetwater/Pony Express Trail Extension Construction Contract.**

John Hendrickson, City Administrator explained that Eagle Mountain City had received a UDOT Grant in the amount of \$420,000 for a trail along Pony Express Parkway and Sweetwater Road. The City would cover the additional cost of approximately \$240,000 which is included in the budget. The proposed trail would extend from Ruby Valley to Lone Tree, and from the Mid Valley Regional Park to the City center which would complete the trail from Ruby Valley to the City Center. Staker and Parsons was the low bidder for this project at \$568,286.05 which was slightly higher than the Engineer's estimate. The increased cost was due to the surge in oil prices. Mr. Hendrickson recommended that Staker and Parsons be awarded the project.

Councilmember asked when they could start the project. Mr. Hendrickson stated that once the bid award had been approved that the staff intended meeting with the project manager and Staker and Parsons the following week. They anticipated having the north leg of the project completed within three weeks. The entire project should be completed by early November, weather permitting.

Councilmember Cieslak asked whether future expansion of the roads would have an impact on the trail. Chris Trusty responded that, with the exception of one section of the trail opposite the new elementary school, the trail had be planned and designed for any future road expansion. The section opposite the new elementary school may have to be moved at some point in the future.

Councilmember Ireland asked if the City had sufficient funds to cover the additional cost to construct the trail. John Hendrickson explained that some other projects had come in under budget and that it was his opinion that the deficit for this project could be made up. If the City

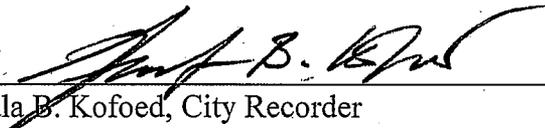
found itself in a position that there were insufficient funds to complete this project that we would hold off on some of the other budgeted projects or do a budget amendment.

**MOTION:** *Councilmember Burnham moved to approve the bid and award the contract to Staker & Parsons Company, doing business as Staker LLC, in the amount of \$568,286.05. Eric Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

ADJOURNMENT

Councilmember Cieslak moved to adjourn the meeting at 12:13 p.m.

APPROVED BY CITY COUNCIL AUGUST 19, 2008

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**August 19, 2008**

**Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:05 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Ryan Ireland and Nathan Ochsenhirt (arrived 4:20 p.m.). Councilmembers Cieslak and Lifferth participated telephonically.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Economic Development Director; Eli Jones, Management Intern; Flint Mensah, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; David Norman, Staff Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

**1. DISCUSSION**

- A. BP/Wasatch Energy Discussion on Municipal Bonds (*Presented by Brent Turner*)
- B. 2008 City Parks Project (not discussed)

**2. INTRODUCTIONS – Sheriff's Office Introduction of New Deputies**

**3. AGENDA REVIEW**

**4. CITY ADMINISTRATOR INFORMATION ITEMS (postponed to Policy Session)**

- A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)

**5. ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Burnham moved to adjourn to a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and David Lifferth. The motion passed with a unanimous vote.*

The City Council adjourned to a Closed Executive Session at 6:26 p.m.

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:13 p.m. Boy Scout Troop 1012 led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Ryan Ireland and Nathan Ochsenhirt. Councilmembers Cieslak and Lifferth participated telephonically.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Eli Jones, Management Intern; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; David Norman, Staff Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

## 8. INFORMATION ITEMS/UPCOMING EVENTS

- New stop signs have been installed on Pony Express Parkway in front on Hidden Hollow Elementary School. A stop sign and crosswalk are being considered for Rockwell Charter High School.
- Construction of the Pony Express/Sweetwater Trail is about to begin. It will start with the section of the trail between Ruby Valley and Lone Tree subdivisions to help children walk safely to the crosswalks at Hidden Hollow School. There is a temporary trail from the Hidden Canyon trail to the street adjacent to the school property, and another from the opposite side of Pony Express Parkway to Lone Tree. These trails will be asphalted after the first section of the trail is completed.
- The Senior Advisory Council's technology training and fun activity will be held on Monday, August 25, 5:00 p.m. at City Hall.
- City offices will be closed on Monday, Sept. 1, for Labor Day. The Library will be closed on Saturday, August 30, and Monday, Sept. 1.
- An equal payment plan for City utilities will be available starting in September. Residents must have lived in their home for 12 months to be eligible for the program.

## 9. PUBLIC COMMENTS

Mr. Doug Page, 7787 Crestwood Cr., has spent two years trying to get fencing and a park strip behind his home. He has not received responses to emails sent to Public Works Director Chris Trusty about connecting his own water to the park strip and City Administrator John Hendrickson on the fencing issue.

Ms. Steffanie England, 7708 Decrescendo Drive, was concerned about traffic on her street. The street slopes, which makes it difficult to drive slowly down the hill. There are 30 children under the age of six living on the cul-de-sac on the street. She requested help from the City, possibly speed bumps, indentations or signage.

Mayor Jackson responded to Ms. England, stating that the City could provide caution signage, but does not install speed bumps or dips because they are ineffective in slowing traffic.

Mr. Hendrickson responded to Mr. Page on the fencing issue. The developer's bond has been released, so there are no funds for a fence; however, he is continuing to look for funding. Mr. Page has offered to assist the City in paying for the fence. That decision would have to be placed on a future Council meeting agenda.

Mr. Trusty explained that water metering from Mr. Page's property to the park strip would require a large concrete vault for the metering equipment.

## 10. CITY COUNCIL/MAYOR'S ITEMS

### Councilmember Lifferth

Councilmember Lifferth had no comment.

### Councilmember Burnham

Councilmember Burnham asked about the status of the skate park and the bike park. Mr. Hendrickson responded that one more piece of property has to be deeded to the City before the bike park can be completed. Mr. Trusty stated that the concrete for the skate park will be done within two weeks. The modular units are being constructed, so the skate park will be complete in mid-September. Councilmember Burnham also said that a resident had contacted her asking if crossing guards are working during kindergarten walking times at Ranches Academy and Hidden Hollow Elementary School. Mayor Jackson replied that they were.

### Councilmember Cieslak

Councilmember Cieslak reminded residents to drive slowly now that school is back in session. He asked about the progress of the land dedication for the bike park. Mr. Hendrickson responded that work on the park had begun, but had to be stopped until the last piece of land was deeded to the City.

### Councilmember Ochsenhirt

Councilmember Ochsenhirt asked Mr. Trusty about the concrete at the skate park. He requested that the Mayor send a letter to Allied Waste regarding obeying traffic laws, as Ms. England's child was nearly crushed by a garbage truck speeding down the road. With the start of the new school year, he encouraged youth to seize the opportunity for education and be careful when crossing streets. Mr. Trusty responded to the question about the concrete, saying that an inspector will be on site full-time and the concrete will be rebar-reinforced.

### Councilmember Ireland

Councilmember Ireland received an email from a resident requesting a way for residents to put up temporary signs for such events as homes for sale, weddings or garage sales; perhaps a temporary sign permit. Mayor Jackson responded that a section might be added to the signage regulations that allowed for a permit with a small fee to cover the City costs for approval. Councilmember Ireland hoped that a way could be found to allow temporary signs without expense to the City or the residents.

### Mayor Jackson

Mayor Jackson stated that, while the Hidden Hollow School has traffic safety set up, the City is still working on safety for students at Rockwell Charter High School. Mayor Jackson met with Principal Beck and Deputy Mulder today to discuss safety. At this point students are crossing Ranches Parkway at many points and parents are stopping on SR 73 to drop off their children. She asked parents not to stop on SR 73. The school will issue a request that students cross Ranches Parkway only where Barton Creek Drive and Braxton Drive intersect with the Parkway.

**11. BOARD APPOINTMENT**

- A. Regan Bolli – Economic Development Board

Mayor Jackson recommended the appointment of Mr. Regan Bolli to the Economic Development Board.

**MOTION:** *Councilmember Burnham moved to approve the appointment of Mr. Regan Bolli to the Economic Development Board to complete the term vacated by Adam Edwards, ending December 31, 2009. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Bolli.

**CONSENT AGENDA**

**12. MINUTES**

- A. August 5, 2008 – Regular City Council Meeting
- B. August 7, 2008 – Special City Council Meeting

**13. FINAL PLAT APPROVAL**

- A. Antelope Meadows Lot 1 Final Plat
- B. Majors Subdivision Final Plat

**14. DEVELOPMENT AGREEMENT**

- A. Antelope Meadows Lot 1 Development Agreement

**15. FINAL BOND RELEASE**

- A. Lone Tree E Final Bond Release

**16. AGREEMENT**

- A. Approval of Professional Service Agreement for Survey and Design of Porter's Crossing Extension

**17. CHANGE OF SCOPE AND FEES FOR PROFESSIONAL SERVICES AGREEMENT – S.S.A. W.W.T.P.**

- A. Stantec

**18. FINAL PAYMENTS**

- A. 2008 Ranches Parkway Slurry Seal
- B. 2008 SilverLake Street Trees

**19. REDUCED BOND**

- A. Sweetwater Phase 1 Rotomill and Overlay

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda, with the amendments to the August 5 minutes requested during Work Session. Councilmember Cieslak seconded*

*the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

## **SCHEDULED ITEMS**

### **20. PUBLIC HEARING – Consideration of a Master Development Plan and Land Use for Scenic Mountain – Public Hearing.**

The Scenic Mountain Master Development Plan was presented by Interim Planning Director Steve Mumford. The Scenic Mountain Master Development Plan includes approximately 39 acres of land located just outside of the northeast corner of the City. The proposal includes a mixture of residential uses and densities, with a total of 389 residential units and a gross density of approximately 9.9 units/acre. The property is currently within Saratoga Springs' boundaries, but a boundary adjustment is in progress to annex it into Eagle Mountain City. This is a public hearing and a discussion item only, as an ordinance cannot be approved until the property is within Eagle Mountain City's boundaries. A master development agreement will be required before an ordinance can be adopted formalizing the zoning and master development plan.

*\*\*Mayor Jackson opened the public hearing at 8:06 p.m.\*\**

Ms. Nikki Wickman, 2766 Fort Hill Road, asked why a high-density project would be built at the entrance to the city.

*\*\*Mayor Jackson closed the public hearing at 8:07 p.m.\*\**

Councilmember Ireland asked the applicant to comment on the transition between densities. Mr. Ryan Kent of Sage Communities, representing Scenic Mountain, LC, stated that the company wanted to be very forthright about the proposed densities. The fact that this area is the gateway to the city has been brought to their attention and they take it very seriously. The LDS Church parcel will affect the density. Another parcel could be added near the high-density construction to buffer it.

Councilmember Lifferth asked if there were plans to place signage or relocate the current entry monument, since the monument is no longer located at the city limits. Mr. Kent responded that an area in the northeast corner that will be dedicated to the City. The Mayor is working on a monument thanking people for visiting Eagle Mountain, as on that side of the road drivers are leaving the city. Mayor Jackson asked for the Council's input on the design of that monument.

Bill Turnbull of Sage Communities stated that the entry to the city needs to look good, so density has to be done correctly. The plan for the land while it was in Saratoga Springs called for approximately 350 row townhomes. The development will be a mixed-use, multifamily development, but it will be built attractively. The LDS Church site will displace some of the higher-density development in that area.

This was a discussion item and did not require any action by the City Council.

### **21. PUBLIC HEARING – Consideration of a Master Development Plan for Oquirrh Mountain and Deletion of this Area from The Ranches Master Development Plan – Discussion Item Only.**

Interim Planning Director Steve Mumford presented the Oquirrh Mountain Master Development Plan, which includes approximately 102.4 acres of land located southwest of the Lone Tree subdivision along Pony Express Parkway. The proposal includes a mixture of residential uses and densities, with a total of 417 residential units. This area is currently within The Ranches Master Plan. With the approval of this new master plan, the area would be deleted from the Ranches Master Plan and stand alone as the Oquirrh Mountain Master Plan. A master development agreement will be required before an ordinance can be adopted formalizing the zoning and master development plan. Trails will run along the higher elevations and there will be a park around the petroglyphs on the site. Some petroglyphs will be relocated to the park site. Scenic Mountain, LC, has met with SITLA to address compatibility between their adjoining properties.

*\*\*Mayor Jackson opened the public hearing at 8:27 p.m. \*\**

Ms. Elise Erler, SITLA, stated that SITLA's highest-value land was adjacent to Oquirrh Mountain's lowest-value land, leading to a conflict in ground value. She believed they had come to a reasonable solution for transitioning from single-family homes on SITLA's side to multifamily homes on Scenic Mountain's side. Trails and open space will be located along this boundary. Ms. Erler requested that the Council include item 13 of the conditions of approval listed in the staff report when this item is voted on at a future meeting. The item is as follows:

“EXTERNAL COMPATIBILITY. 20-foot setback to be added along the southern boundary. This 20-foot building setback is to include a 10-foot landscaped corridor on the applicant's plans and plats – to be one-half of a 20-foot corridor to be cooperatively planned with SITLA, which will provide both the other 10-foot landscaped portion of the corridor and the trail.”

Ms. Erler stated that SITLA is a strong proponent of trail systems. She stated that the planned trail will connect with the Pony Express trail.

*\*\*Mayor Jackson closed the public hearing at 8:31 p.m. \*\**

Mayor Jackson asked what was planned for protection of the petroglyphs. Mr. Mumford responded that the petroglyphs are located on private property, over which the City has no jurisdiction. The applicant plans to protect them, but does not want the method to be determined by the City.

Councilmember Ireland asked Chief Andrus how firefighters will access wildlands at the higher elevations. Chief Andrus responded that there are access points from the streets to the wildland areas. There will also be a 20-foot wildland interface zone between wildlands and homes.

Councilmember Lifferth pointed out that Eagle Mountain has received recognition for protection of petroglyphs, and he hopes everything possible will be done to protect them. Councilmember Ireland stated that he has spoken with Mr. Kent, who said that this petroglyph viewing area will be tied to the other petroglyph area by a trail. Councilmember Lifferth asked if City ordinance can be changed to specify protection for such historical items. Mr. Kinghorn responded that such items are not protected by State or Federal law if they are located on private land, but the City could require land containing them to be dedicated to the City as a park, so the City could protect them.

Mayor Jackson asked if the proposal would dedicate park elements to the City. Mr. Mumford responded that the areas were planned to be owned and maintained by the HOA. Mayor Jackson asked Mr. Kinghorn if such areas were normally dedicated to the City and maintained by the HOA. Mr. Kinghorn responded that unimproved open spaces are transferred to the City. Developers are required to dedicate a certain amount of improved open space to the City. A new master development plan and rezone allows the City

more leeway to determine how such areas will be handled than some other situations allow. He stated that the City needs to decide how much improved open space the City wants to budget money to maintain. Councilmember Burnham pointed out that the agreement specifies that all open space will be owned by the Oquirrh Mountain Homeowners' Association. Mr. Mumford said that, while the City code requires improved open space, but does not require that it be dedicated to the City.

This was a discussion item and did not require any action by the City Council.

**22. MOTION – Consideration and Approval of an Application for a Land and Water Conservation Grant for the Pony Express Park Improvements Project.**

An application for a Land and Water Conservation Grant was presented by Management Intern Eli Jones. The Land and Water Conversation Fund is a Federal grant allocated by the State for recreation planning, acquisition and development. Funds will be sought for improvements to Pony Express Park; notably, the access road, parking lot, and the planned playground, pavilion and park area southwest of the Skate Park. The grant requires a 50% match. Once the City has funded the project, the grant will reimburse 50% of the funded amount. The City must meet the following requirements: funds have to be used within three years, the project site has to be permanently dedicated to recreation, and the City has to be responsible for upkeep and maintenance of the park. Based on cost projections and funds already available for the Pony Express Park project, the City could receive a matching grant of \$50,000 to \$150,000. Council approval improves the City's chances for winning the grant. Winning the grant improves the City's chances of winning the grant again in future years.

Discussion ensued about the design of playing fields and the roads leading into and around the park, as well as the requirements for design work on the park. Mayor Jackson mentioned that a condition of Equestrian Estates' approval was \$300,000 of work on the park. Mr. Mumford responded that he would check on the specific requirements.

**MOTION:** *Councilmember Cieslak moved to approve an application for a Land and Water Conservation Grant for the Pony Express Park Improvements project, in an amount between \$50,000 and \$150,000. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**23. RESOLUTION – Consideration and Adoption of a Resolution Petitioning the Utah Transit Authority for Annexation into a Transportation District.**

Management Intern Eli Jones presented a resolution petitioning the Utah Transit Authority (UTA) for annexation into the UTA transportation district, which would require raising the sales tax in Eagle Mountain City from 6.2% to 6.45%. In order for the annexation to be approved, The City Council must pass this resolution, UTA must hold a public meeting in Eagle Mountain, and an election must be held to approve the sales tax for public transit. Mountainland Association of Governments has allocated funding to provide express bus service for Eagle Mountain. The funding is contingent upon Eagle Mountain and Saratoga Springs joining the transportation district. The City is currently in discussions with UTA about the possibility of an express bus route with a park and ride lot located along SR 73, perhaps as soon as November, 2008.

Discussion ensued on the benefits of joining the transportation district and what might be required to have that approved by the public. Mayor Jackson will bring feedback to MAG, which placed the stipulation of Saratoga Springs joining the district along with Eagle Mountain.

**MOTION:** *Councilmember Ireland moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, petitioning the Utah Transit Authority, a transportation district of the State of Utah. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**24. RESOLUTION – Consideration and Adoption of a Resolution Authorizing and Ratifying Payment of All or Part of Employee-Required Contributions within the Contributory Retirement Plan with Utah Retirement Systems.**

A resolution authorizing the City's payment of retirement contributions was presented by City Recorder Fionnuala Kofoed. Eagle Mountain City participates with the Utah Retirement Systems and contributes all of the employee-required contributions to the contributory retirement plan. This has been the practice since the City first joined the Utah Retirement Systems. To comply with IRS regulations, the City needs to formally adopt the proposed resolution authorizing the payment of all or part of employee-required contributions within the plan.

**MOTION:** *Councilmember Burnham moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, authorizing and ratifying payment of all or part of employee required contributions within the contributory retirement plan with Utah Retirement Systems. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**25. AGREEMENT – Consideration and Approval of a Memorandum of Understanding with Utah Geological Survey.**

Public Works Director Chris Trusty presented a continuation of a Memorandum of Understanding with Utah Geological Survey (UGS). For the last three years, Eagle Mountain City has had a Memorandum of Understanding with UGS to provide monitoring services on two monitoring wells constructed by Eagle Mountain City, as well as for several other private wells in the area. The ongoing monitoring is intended to provide hydrogeologic data to be used in determining the ultimate capacity and recharge capabilities of the underground aquifers from which Eagle Mountain draws its water. The UGS pays half the cost of the monitoring.

**MOTION:** *Councilmember Cieslak moved to approve a continuation of a memorandum of understanding with Utah Geological Survey in the amount of \*\*\*. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**26. RESOLUTION – Consideration and Adoption of a Resolution Stating the Intent of Eagle Mountain City to Adjust its Common Boundaries with the City of Saratoga Springs, Authorizing a Public Hearing Thereon and Providing for Notice of Said Hearing.**

A resolution of intent regarding a boundary adjustment with Saratoga Springs was presented by City Recorder Fionnuala Kofoed. Capital Security Mortgage and Tracy K. Gibbs own approximately 35 acres in Saratoga Springs near The Ranches Golf Course driving range. They have made a formal request to both Eagle Mountain City and the City of Saratoga Springs to adjust the boundary and locate the property in Eagle Mountain City. Utah Code Ann. § 10-2-419 establishes a procedure for adjustment of the common boundaries between adjacent municipalities. The first step in the process is for each municipality to adopt a resolution of intent, which begins the 60-day noticing/protest period before the boundary adjustment can take place. Saratoga Springs adopted a resolution of intent on August 12, 2008. This boundary adjustment was presented to the City Council at an earlier date but because of errors in the legal description, the application needs to be reprocessed and re-noticed. A public hearing and vote on approval of an ordinance enacting the boundary adjustment will be held on October 21.

**MOTION:** *Councilmember Ireland moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, stating the intent of Eagle Mountain City to adjust its common boundaries with the City of Saratoga Springs, authorizing a public hearing thereon and providing for notice of said hearing. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

27. **RESOLUTION – Consideration and Adoption of a Resolution Authorizing the Issuance and Sale of not more than \$3,000,000 Aggregate Principal Amount of Excise Tax Road Bonds, Series 2008, of Eagle Mountain City, Utah, for the Purpose of Financing the Renovation and/or Construction of Class C Roads and Related Improvements; Calling a Public Hearing and Establishing a Time, Place and Location for Said Public Hearing; Providing for Publication of a Notice of Public Hearing and Bonds to be Issued; Providing for a Pledge of Excise Tax Revenues for Repayment of the Bonds; Fixing the Maximum Aggregate Principal Amount of the Bonds, the Maximum Number of Years Over Which the Bonds May Mature, the Maximum Interest Rate Which the Bonds May Bear, and the Maximum Discount from Par at Which the Bonds May be Sold; Providing for the Running of a Contest Period; and Related Matters.**

Mayor Jackson presented a resolution authorizing the issuance and sale of excise tax road bonds. In order to provide funding for approximately \$2.3 million in necessary road construction improvements, the City is preparing to issue excise tax revenues bonds. These bonds will be secured by Class B & C road funds generated by gasoline sales and distributed by the State to local governments on a quarterly basis. In order to facilitate this bond issuance, the City must adopt a Parameters Resolution setting forth not-to-exceed parameters relating to the maturity of the bonds, the maximum rate of interest, the maximum par amount of the bonds and the maximum discount on the bonds, if any. Further, as a result of changes to the laws by the 2008 Utah State Legislature, the City must also publish this notice for two consecutive weeks and hold a public hearing on the issuance of these bonds at least 14 days after the first publication.

Mayor Jackson explained that this resolution begins the notice period for these bonds. The item was extensively discussed in Work Session, therefore no further discussion was required at this time.

**MOTION:** *Councilmember Ochsenhirt moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, authorizing the issuance and sale of not more than \$3,000,000*

*aggregate principal amount of Excise Tax Road Bonds, Series 2008, of Eagle Mountain City, Utah, for the purpose of financing the renovation and/or construction of Class C roads and related improvements; calling a public hearing and establishing a time, place and location for said public hearing; providing for publication of a notice of public hearing and bonds to be issued; providing for a pledge of excise tax revenues for repayment of the bonds; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; providing for the running of a contest period; and related matters.*

*Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, David Lifferth and Nathan Ochsenhirt. Those voting no: Ryan Ireland. The motion passed with a vote of 4:1.*

**28. AGREEMENT – Consideration and Approval of a Water Supply Agreement with the Central Utah Water Conservancy District for the Sale of CWP Municipal and Industrial Water.**

Item 28 was removed from the agenda.

**29. RESOLUTION – Consideration of a Resolution to Designate the Proposed Assessment Area 2008-2, known as the North Ranch Special Assessment Area, to Finance the Costs of Natural Gas Lines and Related Improvements and to Fix the Time and Place for Protests of Such Designation.**

North Ranch residents requested that the City install natural gas lines in the subdivision. This resolution only allows for notices, a protest period and a public hearing. Mayor Jackson explained that if over 50% of the lot owners accept the assessment area designation, the action can go forward. If 50% or more object, no further action can be taken. The public hearing will be held on October 21. All the property owners will be notified of the date of the hearing.

**MOTION:** *Councilmember Ireland moved to adopt a resolution of the City Council of Eagle Mountain City, Utah, to designate the proposed Assessment Area 2008-2, known as the North Ranch Special Assessment Area, to finance the costs of natural gas lines and related improvements and to fix the time and place for protests of such designation. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**CITY ADMINISTRATOR ITEMS**

Mr. Hendrickson stated that hydrogen sulfate levels well #4 water are somewhat high. While the water is still safe, it has an unpleasant odor and appearance. The city needs the water in the system to avoid watering restrictions. The water level in the city's water tanks got down to five feet deep, which is barely enough to provide for the city's consumption and safety needs, so the State Division of Water Quality (DWQ) may rush approval of well #5. Enough water rights for the well have been transferred, a temporary pump is in place, and the water quality and capacity are excellent. Once the city's water problem is past, well #5 will be taken off-line for construction of the permanent structure. Mr. Trusty explained that the contract for wells #1 and 5 will go out to bid next month. He gave an update with information that had been

received today: Staff Engineer Dave Norman called DWQ and was told that approval for well #5 would probably be given tomorrow. Mr. Trusty said well #5 can be on-line early next week.

On the sewer plant, Mr. Trusty stated that he is waiting for a construction permit from the State. Stantec submitted all of the revisions to the documents that were given back to the City last week, but there has been no response from the State. Mr. Hendrickson asked if the State's lack of response will affect the deadline. Mr. Trusty responded that the contract allows for a 12-month construction period. Mr. Trusty said that the State will make the deadline 12 months from the notice to proceed, but the notice to proceed cannot be issued until the construction permit has been issued.

**30. CITY COUNCIL/MAYOR'S BUSINESS**

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Burnham

Councilmember Lifferth had no comment.

Councilmember Cieslak

Councilmember Cieslak thanked Ms. Kofoed for enabling Council members to participate in meetings by phone.

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comment.

Councilmember Ireland

Councilmember Ireland had no comment.

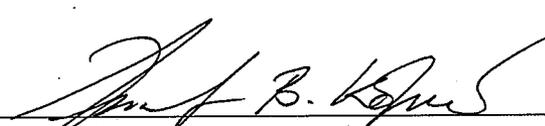
Mayor Jackson

Mayor Jackson had no comment.

**ADJOURNMENT**

Councilmember Ochsenhirt moved to adjourn the meeting at 9:31 p.m.

APPROVED BY CITY COUNCIL SEPTEMBER 2, 2008

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**September 2, 2008**

**Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:06 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland (arrived 4:14 p.m.), David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

**1. DISCUSSION**

- A. Utah Valley Home Builder's Association – Ron Rydman
- B. Splash Zone – Katie Lowe (*removed from agenda*)
- C. Utah Lake Commission – Councilmember Lifferth and Reed Price

**2. AGENDA REVIEW**

**3. CITY ADMINISTRATOR INFORMATION ITEMS**

- A. Update on the Sewer Treatment Facility – Chris Trusty

**4. ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Cieslak moved to adjourn to a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, Nathan Ochsenhirt and David Lifferth. The motion passed with a unanimous vote.*

The City Council adjourned to a Closed Executive Session at 5:45 p.m.

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:16 p.m. Bob Dalton led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; David Norman, Staff Engineer; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

## 8. INFORMATION ITEMS/UPCOMING EVENTS

- Senior Advisory Council Lunch Bunch, Thursday, Sept. 4, 12:00 at Applebee's.
- Youth City Council elections for the 2008-2009 school year, Tuesday, Sept. 9, 7:00 a.m. - 7 p.m.

## 9. PUBLIC COMMENTS

Mr. Bob Dalton, 7468 Castle Rock Road, asked about city water issues: dead grass on the medians on Ranches Parkway, Pony Express Parkway and neighborhood parks; public areas being watered in the middle of the day; and watering restrictions on residents.

Mr. Matt Borget, 3434 Appaloosa Road, the lot next to his has had a construction hole for six months. It is a safety hazard and he would like something done before there is an accident.

Ms. Tiffany Ulmer, 1320 Harrier Street, expressed appreciation for City staff response. This morning she brought up an issue with Code Enforcement and the Sheriff's Office, and it was taken care of by this afternoon. She asked that weeds on City property be properly mowed, without wide swaths of unmowed weeds along the edges.

Mayor Jackson responded to Mr. Dalton by explaining recent years' water issues: the well failure last summer and the problems with well #4 this summer, which also delayed completion of well #5. Water levels in the city's water tanks have to be at least 5 feet for fire response. In response to Mr. Borget, Mr. Hendrickson stated there should be a building bond in place that the City can use to pay to correct violations of construction standards. In response to Ms. Ulmer's request, Mr. Trusty said that he will have Public Works employees finish mowing.

## 10. CITY COUNCIL/MAYOR'S ITEMS

### Councilmember Ireland

Councilmember Ireland expressed appreciation to those residents who shared their concerns with the Council.

### Councilmember Lifferth

Councilmember Lifferth asked Mayor Jackson to describe where crossing guards and crosswalks are located in the city. He also wanted to know when residents should shut off their watering systems.

### Councilmember Burnham

Councilmember Burnham asked if the proposed Rockwell High School four-way stop could be replaced with a flashing crosswalk light. Mayor Jackson pointed out that the stop will not be near the high school, but at the point where Highlands and Highlands on the Green meet Ranches Parkway. Councilmember Burnham was comfortable with that. Also, several youth have submitted their names for election to the Youth City Council. She was very impressed with the city's youth who are willing to volunteer.

Councilmember Cieslak

Councilmember Cieslak expressed appreciation to residents who came and spoke to the Council, especially since they have spoken with the professionalism the Council tries to maintain. He said he has been contacted several times by a resident who lives near bike park, because work is being done on bike trails, aside from the those which will be in the bike park. He wanted to know if the City has authority to control non-city bike trails in that area. Mayor Jackson responded that the City can only do so if they are on City property. Councilmember Cieslak will discuss specific locations with Mr. Mumford.

Councilmember Ochsenhirt

Councilmember Ochsenhirt encouraged all departments to be more aggressive with communications with residents, to be sure that all policies and procedures are understood. For instance, a permit application lacked some information and was not processed for weeks. The resident did not learn about the problem until after contacting the City about the delay. The department could have let the resident know about the missing information when the permit was received. This request applies to all City departments.

Mayor Jackson

Mayor Jackson had no comment.

**CONSENT AGENDA**

**11. MINUTES**

- A. August 19, 2008 – Regular City Council Meeting

**12. BID AWARD**

- A. HD Supply, Codale Electric Supply and Aspen Power & Telecommunications – Materials for SR 73 North Power Circuit

**13. FINAL PAYMENT**

- A. Hard Rock Excavation – Water Line Extension

**14. CHANGE ORDER**

- A. Clear Construction – Well #4

**15. AGREEMENT**

- A. Kern River – Reimbursement Agreement for Meter Station

**16. REVISED BOND**

- A. Meadow Ranch 7 – Remove Rotomill and Overlay and Increase Warranty from 10% to 15%

**MOTION:** *Councilmember Ireland moved to approve the Consent Agenda, with the exception that item 12 be removed from the Consent Agenda and made a scheduled item. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan*

*Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

## SCHEDULED ITEMS

12. **BID AWARD – Consideration and Approval of a Bid Award for Materials for the SR 73 North Power Circuit.**

This item was moved from the Consent Agenda to a scheduled item at the request of Councilmember Ireland.

Councilmember Ireland asked how the bid award would be funded. Mr. Hendrickson responded that this item is not part of the budget. It is expected to be funded by an SSA. However, that decision is not yet definite, which may result in the project being funded by an amendment to the City budget. There is sufficient unallocated money for the project in the Electric Fund account, but the money is not part of the FY 2009 budget and would have to be a budget amendment. Councilmember Ireland asked if that money came from impact fees or utility rates. Mr. Hendrickson responded that the money does not come from impact fees. However, perhaps the project should be added to the Capital Facilities Plan so funds could be reimbursed to the City through impact fees. Councilmember Ireland suggested that if there is money available in the Electric Fund, perhaps utility rates should be lowered. Mr. Hendrickson explained that the unallocated funds are reimbursements to the City for electrical and gas bonds. The question is, if the SAA is not created, how should these funds be paid? While there is always a desire to reduce utility rates, the city utility system must always be fully funded.

Councilmember Ireland asked what fiscal risk the City would take by awarding this bid now. Mr. Hendrickson responded that the City might be short in the Electrical Fund account in the amount of the bid. Mayor Jackson stated that the money would be reimbursed either through impact fees or an SAA. Either way, the fund will be reimbursed. Impact fees are a long-term reimbursement; an SAA is a shorter-term reimbursement.

Mayor Jackson stated that the status of the SAA will be discussed at the next Council meeting. Councilmember Ireland asked if the bid award could be delayed to the next meeting. Mr. Ferre stated that the items would have to be re-bid, which would significantly raise costs and delay other projects. The bids might also come in higher than the current bids.

Mayor Jackson and Mr. Ferre explained that the bid is being awarded now because lead times for obtaining metal products are 12-16 weeks, which would significantly delay the project. The successful bidders have some of the materials in stock. Three vendors are recommended to provide various materials: HD Supply, Codale Electric Supply and Aspen Power & Telecommunications.

Councilmember Ireland requested that bid awards be scheduled items rather than being placed on the Consent Agenda.

**MOTION:** *Councilmember Ireland moved to approve a bid award for materials for the SR 73 North Power Circuit project. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

17. **MOTION – Consideration and Approval of the Land Use Element of the Oquirrh Mountain Master Development Plan.**

Interim Planning Director Steve Mumford presented the land use element of the Oquirrh Mountain Master Development Plan. The Oquirrh Mountain Master Development Plan includes approximately 102.4 acres of land located southwest of the Lone Tree subdivision along Pony Express Parkway. The project consists of mixed residential uses and densities, with a total of 417 residential units. This area is currently within The Ranches Master Development Plan. With the approval of the new master development plan, Oquirrh Mountain would be deleted from The Ranches Master Development Plan and stand alone as the Oquirrh Mountain Master Development Plan. A public hearing was held at the August 19, 2008, City Council meeting. The application being presented to the City Council is for approval of the land use element (zoning) of the master development plan.

Mr. Ryan Kent of Sage Communities represented the applicant, Oquirrh Mountain Ranch, LLC. He stated that the required traffic study has been completed, showing adequate road capacity for the project. Ranches Parkway and Pony Express Parkway will be widened. The applicant plans to dedicate parks to the Oquirrh Mountain Ranch HOA for maintenance and preservation and will continue to work with City staff on that issue. The applicant has consulted with experts on preservation of the petroglyphs and received varying opinions. The method that will most likely be accepted is that proposed by Nina Bowen, who recommended that the petroglyphs be well-publicized, which will encourage adjoining residents to police them and prevent vandalism.

Discussion ensued on preservation of the petroglyphs, including their location, resident involvement, visibility. Mayor Jackson pointed out that one neighborhood in the city has a very active Neighborhood Watch program. Despite the program, graffiti has been found in the neighborhood.

Mr. Kent stated that the parks and trail system would be private-owned land with public-use easements granted, making them available to all city residents. The trails in the development will connect with trails to be built on SITLA property.

Mr. Scott Kirkland of Sage Communities stated that a final solution to preservation of the petroglyphs has not been decided. He believed that locating them in a highly visible area would be beneficial.

Councilmember Lifferth suggested that the petroglyphs be made part of an entryway into the Oquirrh Mountain development. That would place them in a high-traffic area less subject to vandalism and add value to the community. Mr. Kirkland would be willing to consider that. Mr. Mumford and Assistant Public Works Director Jeff Weber were invited to attend a meeting with Mr. Kent on preservation of the petroglyphs later in the month.

Mr. Mumford discussed a petroglyph management article on prevention of vandalism, which he was requested to provide to Mr. Kent, Mr. Kirkland and the Council.

A specific decision as to how to preserve the petroglyphs will be part of the development agreement.

**MOTION:** *Councilmember Lifferth moved to approve the land use element of the Master Development Plan for Oquirrh Mountain Ranch. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

18. **ORDINANCE – Consideration and Approval of an Ordinance Amending and Re-Enacting Ordinance No. O 03-2008, Providing for the Organization of the Eagle Mountain City Youth City Council.**

An Ordinance amending the organization of the Youth City Council was presented by Mayor Jackson. The proposed amendment to the Youth City Council Ordinance would allow students from Fairfield and Cedar Fort to participate on the Eagle Mountain Youth City Council.

Councilmember Burnham requested an amendment requiring that the Youth Mayor be a resident of Eagle Mountain. There was discussion on how to determine whether youth were eligible to vote. City Attorney Jerry Kinghorn advised having the youth provide their names and addresses when they vote, and disapprove ineligible votes.

The election will be held on Tuesday, September 9, from 7:00 a.m. to 7:00 p.m. in the City Recorder's Office. The new Youth City Council will take their oaths of office at the following City Council meeting on September 16.

**MOTION:** *Councilmember Burnham moved to approve an Ordinance of Eagle Mountain City, Utah, amending and re-enacting Ordinance No. O-03-2008, providing for the organization of the Eagle Mountain City Youth City Council, with the addition of section 5.11.5, requiring that the Youth Mayor be a resident of Eagle Mountain City. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

19. **MOTION – Consideration and Approval of a Ballot Proposition as Attached and as Proposed by the Utah Transit Authority for the General Election November 4, 2008 and Authorization for the Mayor to Execute a Resolution Submitting the Approved Ballot Proposition in the Form Approved by the Utah County Clerk.**

City Attorney Jerry Kinghorn presented a ballot proposition to be submitted to the Utah County Clerk. Recently, Eagle Mountain City adopted a Resolution to petition for annexation into the Utah Transit Authority transportation district, which would increase the city's sales tax from 6.2% to 6.45%. The sales tax increase would have to be voted on by city residents. The proposed ballot proposition must be submitted to the Utah County Clerk for inclusion on the ballot for Eagle Mountain residents at the November 4, 2008, General Election. Mr. Kinghorn stated that the Resolution will be written following a new State statute, effective today.

Councilmember Lifferth discussed ways to publicize this effort and gain resident support, perhaps by asking prominent Eagle Mountain residents to sign a petition stating that they would be willing to have their taxes raised by .25% in order to have bus transportation to the city. He asked if Saratoga Springs would request annexation to the transportation district. Mayor Jackson responded that she doubted that Saratoga Springs would request annexation, but she would emphasize to UTA that Eagle Mountain has done everything possible and the annexation should not fail because Saratoga Springs chose not to join the district.

Mr. Kinghorn stated that between now and the election, the City will have to approve an ordinance and consider an interlocal cooperation agreement with UTA which would dedicate the tax to the transit district.

**MOTION:** *Councilmember Lifferth moved to approve a ballot proposition as proposed by the Utah Transit Authority for the General Election on November 4, 2008, and authorization for the Mayor to execute a Resolution submitting the approved ballot proposition in the form approved by the Utah County Clerk. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**20. CITY COUNCIL/MAYOR'S BUSINESS**

Councilmember Lifferth

Councilmember Lifferth thanked fellow Council members for their professional behavior and preparation. He thanked Mayor Jackson for pursuing the UTA issue until it succeeded. He requested permission to attend the Utah Valley Executive Summit on September 25. He encouraged other Council members to attend.

Councilmember Burnham

Councilmember Burnham thanked Mayor Jackson for going the extra mile on the UTA issue. She thanked the Council for respecting the importance of the Youth City Council issue to her.

Councilmember Cieslak

Councilmember Cieslak thanked Mayor Jackson for her work on the UTA issue. He appreciated the professionalism shown by the Council. He mentioned that a neighbor of his is unable to drive and has often asked him about the status of providing bus transportation to Eagle Mountain.

Councilmember Ochsenhirt

Councilmember Ochsenhirt asked the media to take serious note of the Council's appreciation of Mayor Jackson.

Councilmember Ireland

Councilmember Ireland had no comment.

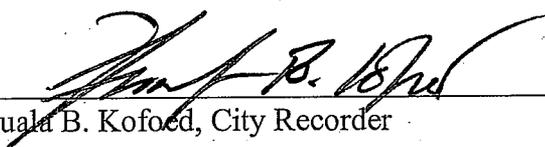
Mayor Jackson

Mayor Jackson stated that a citizen brought in pictures of volunteer service: Miriam Bond painted the fire hydrants in The Landing subdivision. She said she loves living in Eagle Mountain and working with the Council.

ADJOURNMENT

Councilmember Ochsenhirt moved to adjourn the meeting at 9:10 p.m.

APPROVED BY CITY COUNCIL SEPTEMBER 16, 2008

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**September 16, 2008**

**Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:06 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Adam Ferre, Energy Division Manager.

**1. DISCUSSION**

A. Splash Zone – Katie Lowe

**2. AGENDA REVIEW**

**3. CITY ADMINISTRATOR INFORMATION ITEMS**

A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)

B. SilverLake Fencing and Landscaping (*Presented by John Hendrickson*)

**4. ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Lifferth moved to adjourn to a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth, Nathan Ochsenhirt. The motion passed with a unanimous vote.*

The City Council adjourned to a Closed Executive Session at 5:58 p.m.

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.**  
If you need a special accommodation to participate in the City Council Meetings and Work Sessions,  
please call the City Recorder's Office at least 3 working days prior to the meeting at 789-6611.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Jenalee Harper, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Rand Andrus, Fire Chief; Eric McDowell, Sergeant; Adam Ferre, Energy Division Manager.

**6. CALL TO ORDER**

Mayor Heather Anne Jackson called the meeting to order at 7:15 p.m.

**7. PLEDGE OF ALLEGIANCE**

Elena Jennings led the Pledge of Allegiance.

**8. INFORMATION ITEMS/UPCOMING EVENTS**

- Residents in the Eagle Point community held a kick-off meeting for their Neighborhood Watch last Saturday evening. Eagle Point has been experiencing vandalism and the Sheriff's Department has recently apprehended all involved with the vandalism in the neighborhood.
- A Youth City Council meeting will be held on September 18, 2008 at 4:00 p.m. in the basement of City Hall. The Youth City Council will be helping with a service project. New members are always welcome.
- The Senior Advisory Council will sponsor a tour of Camp Floyd on September 22, 2008. Seniors will meet at 5:00 p.m. at City Hall.
- The annual Public Safety Fair will be held October 6, 2008 from 4:00 p.m. to 7:00 p.m. at Nolan Park.
- The Pony Express Trail is now under construction, as well as the Skate Park.
- A survey is being conducted asking residents what kind of items they would like to see in a City Recreation Center.
- Mayor Johnson from Lehi City is asking that a grade separated highway be installed by the roundabout in Lehi because of traffic problems. Mayor Jackson signed a letter of support for this that will be going to the Mountainland Association of Governments.

**9. PUBLIC COMMENTS**

Nikki Wickman, 2766 Fort Hill Road, stated that she likes the City's asphalt trail system. She explained that trash is collecting on the side of the trail where the houses are, along Ranches Parkway. She feels that the firefighters need more to do and would like to see them picking up the trash along the trail during their down time.

Tiffany Ulmer, 1320 E Harrier Street, is concerned about the watering of the parkways. She does not like the sprinkler heads that are being used to water the medians. She feels that it is now dangerous to drive down the roads because people are swerving to avoid the water puddles that the sprinklers are creating by watering the road. She also thanked the firefighters for helping her with the RAD Kids program.

**10. CITY COUNCIL/MAYOR'S**

Councilmember Ireland

No comment.

Councilmember Lifferth

Councilmember Lifferth thanked the Steinkopfs for cleaning up their neighborhood by picking up trash while out walking. Councilmember Lifferth encouraged residents to fully understand the UTA agreement so that the UTA service can be utilized in Eagle Mountain. He asked that the City look at updating the emergency plan in the event of a disaster. He also thanked the residents for being involved in the political process as well as those who came for the North Ranch SSA item.

Councilmember Burnham

Councilmember Burnham thanked the residents for coming to the meeting. She also thanked the youth who ran for Youth City Council.

Councilmember Cieslak

Councilmember Cieslak encouraged those that will be making comments during the meeting to be kind. He also said that he was happy to see that UTA services may be coming to Eagle Mountain.

Councilmember Ochsenhirt

Councilmember Ochsenhirt congratulated Omar Aragon for opening up the Wasatch Deli in The Ranches. He said that the City needs to support local businesses so that it will encourage more economic development. He asked that staff give an update on current road projects and that a turn lane be considered on Pony Express Parkway when turning into the Plum Creek Development, East of Fire Station #2. He explained that he was almost hit because there was no turn lane there.

**11. APPOINTMENTS**

- A. Fire Captain – Kirk Mittelman, sworn in by Chief Rand Andrus
- B. Youth City Council – Jon Burnham (Youth Mayor); Kamber Hopkins; Nina Allen; Jessica Bare; Zachary Braswell; Tyler Wahnschaffe.

**CONSENT AGENDA**

**12. MINUTES**

- A. September 2, 2008 – Regular City Council Meeting

13. FINAL PLATS
  - A. Mt. Airey Plats 1-12, Final Plats & ROS maps
  - B. Simpson Springs Plats 1-5, Final Plats & ROS maps
14. SITE PLAN
  - A. Antelope Meadows Lot 1, LDS Church Site Plan
15. CHANGE ORDER
  - A. Fire Station #2 Expansion – Change Order #1 – Site Plan Revisions
  - B. Fire Station #2 Expansion – Change Order #2 – Redesign of Basement
16. REVISED BOND
  - A. Sweetwater Phases 1, 2 & 3, Remove Rotomill and Overlay and Warranty Increase from 10% to 15%
17. BOND RELEASE
  - A. Valley View Ranch Plats A & B Warranty Release

**MOTION:** *Councilmember Lifferth moved to approve the Consent Agenda as amended. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

*\*\*Amended Items – September 2, 2008 City Council Minutes\*\**

#### **SCHEDULED ITEMS**

18. PUBLIC HEARING – Consideration of an Ordinance of Eagle Mountain City, Utah, Designating the Meadow Ranch 5 Parcel as an Equine Overlay Zone.

Meadow Ranch 5 is located at the north end of the Meadow Ranch Development bordering Camp Williams to the north and Valley View to the west. This application is a rezone to apply the Equine Overlay Zone to the Meadow Ranch 5 property. This would allow for 2 horses or other equine animals on ½-acre lots.

*Mayor Jackson opened the Public Hearing at 7:49 p.m. Hearing no comments, she closed the hearing.*

19. ORDINANCES
  - A. Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Designating the Meadow Ranch 5 Property (Tax ID# 58:033:0151) as an Equine Overlay Zone.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, designating the Meadow Ranch 5 property (Tax ID# 58:033:015) as an Equine Overlay Zone. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna*

*Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

- B. Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Approving the Rezoning of the Meadow Ranch 5 Parcel.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, approving the rezoning of the Meadow Ranch 5 parcel. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

20. PUBLIC HEARING – Consideration and Approval of Staff Sponsored Amendments to the Development Code Concerning Commercial Monument Signs; Minor Changes to Approved Final Plat Requirements; Open Space Requirements; and Requirements for Screening of Mechanical Equipment.

Steve Mumford, Interim Planning Director, explained that City staff is recommending amendments to the Eagle Mountain City Development Code on the topics listed above concerning the following chapters: Title 2, Chapter 5 Final Plats; Title 1, Chapter 6 Residential Zone Bonus Density Entitlements; Title 1, Chapter 24 Commercial and Multi-Family Design Standards; Title 1, Chapter 16 Sign Regulations. The proposed ordinances formalize the adoption of the amendments.

Mr. Mumford gave a brief description of each amendment to the code.

Councilmember Lifferth asked what the definition of walking distance is. Mr. Mumford explained that in planning terms it means a quarter mile. He said that the code could be more specific if the Council would like to change it.

Councilmember Cieslak suggested it state in the code not to exceed a quarter mile.

*Mayor Jackson opened the public hearing at 8:07 p.m.*

Tiffany Ulmer, 1320 E Harrier Street, asked that no flashing lights be involved in the signage ordinance.

*Mayor Jackson closed the public hearing at 8:07 p.m.*

Councilmember Lifferth asked that any applications with substance be required to come to the City Council for approval.

#### ORDINANCES

- A. Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending and Re-Enacting Title 2, Chapter 5 Final Plats.

- B. Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending and Re-Enacting Title 1, Chapter 6 Residential Zone Bonus Density Entitlements.
- C. Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending and Re-Enacting Title 1, Chapter 24 Commercial and Multi-Family Design Standards.
- D. Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Amending and Re-Enacting Title 1, Chapter 16 Sign Regulations.

**MOTION:** *Councilmember Ireland moved to adopt Ordinance 23-2008 Amending and Re-Enacting Title 2, Chapter 5 Plats; Ordinance 24-2008 Amending and Re-Enacting Title 1, Chapter 6 Residential Zone Bonus Density Entitlements, adding to Sections 6.9.1 and 6.10.1 that walking distance is defined as not more than 1,320 feet; Ordinance 25-2008 Amending and Re-Enacting Title 2, Chapter 24 Commercial and Multi-Family Design Standards; and Ordinance 26-2008 Amending and Re-Enacting Title 1, Chapter 16 Sign Regulations. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

21. PUBLIC HEARING – Consideration of a Resolution Creating the North Ranch Special Assessment Area for a Natural Gas System Extension to be Known as the North Ranch Special Assessment Area 2008-2.

Mr. Kinghorn explained that the Eagle Mountain City Council is proposing to finance the cost of certain improvements for the extension of natural gas lines to North Ranch and Cedar Pass Ranch. He said that 44 protests against the SAA were received in the City Recorder's Office by the deadline. One protest was received after the deadline. Over 50% of the lots must file protest in order to kill the proposal. Mr. Kinghorn stated that not enough protests were received to stop this proposal. There are 93 lots in the assessment area.

Mr. Deeter explained that potential bids for construction had been received. He explained that the estimated cost for construction of the main line is approximately \$363,000.00, leaving each lot with an approximate assessment of \$5,300.00. If a lot chooses to have a lateral extended from the main line it would be approximately \$1,200.00 to \$1,250.00. This can be financed over 10 to 15 years.

Mayor Jackson said that she was told that the 10 year interest rate would be between 5 and 5.5 percent; the 15 year interest rate would be between 5.3 percent to 6.25 percent. Mr. Deeter said that this was correct.

Councilmember Lifferth asked when the rates would officially be put into place. Mr. Deeter said that this process would begin after construction was completed.

Mr. Hendrickson explained that if residents choose to pay up front instead of financing it will be approximately \$5,100.00 total for both the main and the lateral. The financing costs will be about \$1,400.00 per home.

Mayor Jackson asked what the fee would be from Lewis and Young. Mr. Deeter explained that a contract would need to be entered into first but that it would be approximately \$8,000.00. This would be approximately 1.7% of the bond cost.

Mayor Jackson stated that Councilmember Lifferth held a meeting in the North Ranch subdivision in which she, Adam Ferre and residents were in attendance. She said that the City has no preference as to whether the gas extension is approved or not. She explained that if this is approved, the City will immediately award a bid and begin construction so that the residents can have natural gas before this winter.

Mayor Jackson said that for those who will need financing, they can expect to see their first bill in August of 2009.

Mr. Deeter explained that the City will send these bills out and that it will not be a part of property tax assessments.

*Mayor Jackson opened the public hearing at 8:31 p.m.*

Scott Hazard, 9258 N. Deerfield Cr., said that he has seen many arguments regarding this issue. He has reviewed all the information and is convinced that this is beneficial. He did not want to have to use propane, as he would rather use natural gas. He said he is excited because this is going to be a financial benefit for him. He stated that he respected his neighbors for their decisions.

Mark Madsen, 9776 N Oquirrh View Dr., said that he feels that he does not have enough information to make a solid decision on whether he would like natural gas or not. He said that the State is part of the national market because they are now selling natural gas in the west and some eastern states. He felt that the numbers were not accurate enough and asked what additional costs would be involved. He asked if there was going to be a note council. He would like more time to make a solid conclusion.

Tom Maher, 9764 N. Timp View Dr., said that negative things have been said about construction of these gas lines, including rumors that they would be sold to Questar. He asked the Council to address the facts.

James Smith, 9610 N. Oquirrh View Dr., asked if payments are not on taxed notice, could the sum be rolled into an individual's mortgage payment? Mr. Smith also recited a poem.

Charlotte Ducos, 9328 N. Deerfield Cr., feels that no matter what decision is made it is going to affect both sides. She asks that the voice of the majority be honored.

Sharon Johnson, 1973 E. Hidden Hills Rd., feels that all the information was misrepresented. She wanted more time to make a decision. She said her husband signed a petition under the impression that it was against the gas, but rather it was a petition for the gas.

MaryAnn Redding, 9425 N. Canyon Wash Dr., asked that all questions be answered correctly before a decision is made. She said that she is in favor of the gas.

Alan Robertson, 1811 E. Park View Lane, feels that the community as a whole would save money by moving to natural gas.

Carrie Butterfield, 9860 N. Oquirrh View Dr., asked that the information be presented accurately.

Scott Jennings, 1961 E. Hidden Hills Rd., said he did not blame any individual for doing what is best for each family; however, he would like more time and more accurate information.

Bob Galina, 1908 E. Hidden Hills Rd., asked how many bids were received for the gas line and asked if Questar could do it instead of the City.

Glen Zahgg, 9138 Deerfield Circle, said that the bid process was beneficial and that the City has done the neighborhood a favor by putting it through the process so quickly. He asked what would happen to the pricing if this issue was postponed, would it have to be rebid...etc. He felt that this decision should not be postponed.

Richard Bentley, 9889 N. Timp View Dr., asked if laterals would affect septic tank leach fields. He is concerned with forcing residents to pay for this line. He asked if this would be tax deductible.

Doug Woodruff, 9141 N. Canyon Wash Dr., asked if an actual vote may take place so that it may alleviate any concerns with bringing natural gas in.

Nikki Wickman, 2766 Fort Hill Road, asked if a special City Council meeting could be held on this issue. She also liked Mr. Woodruff's comments about getting a definitive vote.

*Mayor Jackson closed the public hearing at 8:59 p.m.*

Mayor explained that when forming an SAA, no bid information is provided. After an SAA is formed it then goes out to bid, a bid is awarded and construction begins. She said that because the winter season is drawing near the residents specifically requested that the City rush this so that the natural gas would be up and running before winter time. She said that two bids were received and that there was a difference of over \$100,000.00 between them. Mayor Jackson stated that Questar has not approached the City about buying utilities.

Mr. Ferre explained at that one point in time the City had looked at selling the utilities and was asked to approach Questar about buying the gas system. Mr. Ferre said that Questar expressed no interest in purchasing the City's gas system.

Mayor Jackson said that this does not mean that the City is unwilling to sell the utilities, but at this time has no intention to sell.

Mayor Jackson said that it is included in the bid documents that all disturbed landscaping will be replaced the way it was prior to anything being done. She suggested that all residents take photos of their current landscaping.

Mr. Ferre explained that meters will be set where the propane connects to the house. He said that it is the resident's responsibility to know where their septic tank leach field is located. He explained that the contractor will work with residents on this issue. A drawing will need to be submitted that shows the septic tank and leach field.

Mayor Jackson said that residents may get maps of their leach fields from the Utah County Health Department.

Mayor Jackson said that the meter cost is \$750.00. She explained that residents can make payments to the City over a 2 year period. No interest will be charged, and a late fee will not be charged unless it is over the 2 year period. This \$750.00 is not included in the assessment fee.

Mr. Ferre mentioned that gas lines in the home would not need to be replaced if they were installed properly.

Mr. Deeter explained that the \$95,000.00 is the debt reserve. The market requires over-bonding and the last payment will be offset by this.

Mayor Jackson asked who is responsible for calculating the yearly assessment. Mr. Deeter explained that it is the City's responsibility. Mr. Deeter stated that it is possible to include this assessment in the monthly utility bill.

Mayor Jackson asked Mr. Burt to find out if the Springbrook software is capable of calculating this charge.

Mr. Deeter pointed out that this item cannot be deducted from taxes.

Mr. Deeter explained that engineering costs have been included in the amounts presented tonight.

Mayor Jackson asked what would happen if the bid award was delayed. Mr. Ferre explained that the pricing of the bid could increase.

Mr. Kinghorn stated that if the resolution is tabled tonight re-noticing is not required, however if the Council votes and does not pass this item then re-noticing will be required.

Councilmember Lifferth asked if a lien would be placed on the properties.

Mr. Kinghorn explained that there will be a notice of assessment that will be filed and that the lien would stay with the properties not individuals.

Councilmember Cieslak asked if the cost of issuance would cover bank charges. Mr. Deeter said that these costs would be covered in the cost of issuance.

Mr. Kinghorn said that the contractor is required to post a performance and payment bond which guarantees he will do the job within the contract price. He said that there is a possibility of a change order which can reduce or increase the price.

Councilmember Ireland asked if the loan or interest rate changes depend on the amount of people that choose financing.

Mr. Deeter explained that there may be a slight change but nothing of significance.

Mr. Ferre said that the bid documents state that they are good for 90 calendar days. He said that he did not have all the bid documents in front of him but that there may also be stipulations in the document regarding frost and being able to lay the line due to weather conditions. He feels that there should not be a problem with getting the lines in place by December 1<sup>st</sup>. Mr. Ferre explained that if this was pushed back by three weeks the contractor should be given an additional three weeks to finish the project.

Councilmember Burnham asked if all 44 petitions had been confirmed. Mrs. Kofoed stated that they had all been confirmed as the property owners.

Councilmember Ochsenhirt said that the decision that needs to be made tonight needs to be for the benefit of the community as a whole.

RESOLUTION – Consideration and Adoption of a Resolution Designating an Assessment Area to be Known as the “North Ranch Special Assessment Area 2008-2” (The “North Ranch Assessment Area”); Generally as Described in the Notice of Intention Designating the Proposed Assessment Area; Authorizing the City Officials to Proceed with the Acquisition and Construction of the Improvements as Set Forth in the Notice of Intention; and Related Matters.

**MOTION:**        *Councilmember Cieslak moved to adopt a Resolution designating an assessment area to be known as the “North Ranch Special Assessment Area 2008-2” (the “North Ranch Assessment Area”); generally as described in the notice of intention designating the proposed assessment area; authorizing City officials to proceed with the acquisition and construction of the improvements as set forth in the notice of intention; and related matters. Councilmember Burnham seconded the motion.*

Councilmember Lifferth felt that the residents should be given more time to make their decision and asked that a Special Session be held on September 25, at which time the Council could put this item to a vote.

Councilmember Ireland stated that he would be out of town at that time.

Councilmember Ochsenhirt felt that putting this off would only add to the cost of construction.

Mayor Jackson felt that an additional 9 days would not be a benefit for the residents.

Councilmember Lifferth said that he asked residents about this issue and that the residents would be more comfortable in making a decision if they had a few more weeks to decide. He feels that most people are supportive of the SAA but that they get nervous when things happen quicker than they should.

Mayor Jackson explained that the City has been following the timeline according to state guidelines.

***Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland and Nathan Ochsenhirt. The motion passed with a 4:1 vote.***

*Councilmember Lifferth's comments are reported verbatim:*

"I would vote yes if this were on Friday or Thursday of next week after the neighborhood had a chance to properly deliberate the actual numbers, digest those and get a better feeling for that."

*End of Councilmember Lifferth's verbatim comments.*

22. BID AWARD – Consideration and Approval of a Bid for the North Ranch Gas Extension Project.

The Residents of North Ranch approached Eagle Mountain City regarding the extension of natural gas infrastructure to the 93 lot subdivision. The City Council adopted a Resolution to form the North Ranch SAA at the August 19, 2008, City Council meeting. Residents were noticed regarding a public hearing on September 16, 2008, according to the terms set in the Resolution. The award of this bid is contingent on the approval of the SAA which will be presented for approval at the September 16, 2008, City Council meeting. This project is not included in the FY 2008-2009 budget and will be funded by the SAA.

Mayor Jackson explained that if the residents wish to have a lateral installed to their home, they must fill out an application and turn it in to the City. A letter will be sent to each resident along with an application.

Mr. Ferre recommended that the bid be awarded to Tempest Enterprises. He said that there is an addition included with this bid that has nothing to do with North Ranch. The City has budgeted to replace a 4 inch gas line at the LNG plant. He said that it is cheaper for the City to combine these bids.

Councilmember Ochsenhirt asked if these items were completely separate. Mr. Ferre said that in no way are the two items together; they are completely separate.

Mr. Ferre said that the total amount includes all lots, as if all were going to be getting laterals.

**MOTION:** ***Councilmember Burnham moved to award a bid for the North Ranch Gas Extension Project to Tempest Enterprises in the amount of \$474,767.20. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham,***

*Eric Cieslak, Ryan Ireland, David Lifferth, Nathan Ochsenhirt. The motion passed with a unanimous vote.*

23. BID AWARD – Consideration and Approval of a Bid for the 2008 City Parks Project.

Eagle Mountain City, in the 2008-09 City budget, approved \$42,250.00 for improvements to the two parks in Eagle Point. These improvements included BBQ grills for the Eagle Point C park and a tot lot in the Eagle Point B park. An asphalt trail also located in Eagle Point B was included in the budget, but because of the asphalt shortage, this portion of the project will be held until next spring. Also included in the budget was a new Skate Park, which is currently under construction. As part of the first phase of this Skate Park, this park improvement bid included the installation of a pavilion.

**MOTION:** *Councilmember Ireland moved to approve and award a Bid for the 2008 City Parks Project to MSCI in the amount of \$75,127.20. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

24. BID AWARD – Consideration and Approval of a Bid for the Mid-Valley Regional Park Parcel “C”, Phase 1.

The State Institutional Trust Lands Administration, in their Master Development Agreement, has deeded several acres of open space to the City as part of the Mid-Valley Regional Park. Eagle Mountain City has received \$600,000.00 in Federal stipends to make improvements to the Mid Valley Regional Park. Parcel C is on the east side of Sweetwater Road and is approximately 3.82 acres. Staff has recommended beginning the improvements for the regional park on this parcel, as the parcel is fairly contained and adjacent to the exiting road and utilities, and would require the least amount of offsite improvements to provide a usable recreational facility.

**MOTION:** *Councilmember Ireland moved to approve and award a bid for the Mid-Valley Regional Park Parcel “C”, Phase 1 to MSCI in the amount of \$224,787.20. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

25. AGREEMENT – Consideration and Approval of a Water Supply Agreement Between Central Water Conservancy District and Eagle Mountain City for the Sale of CWP Municipal and Industrial Water.

Mr. Kinghorn explained that the proposed contract is the long term water supply Agreement for the City with the Central Utah Water Conservancy District. The Agreement is a universal format for all parties purchasing water from the "Central Water Project" as distinguished from the federally sponsored "Central Utah Water Project". The universal format means that certain provisions in this Agreement do not apply to the City.

Mr. Kinghorn said that this contract has been in negotiation for several years. He said this will provide treated water to Eagle Mountain. This will secure sources of water for the City. He said

that the staff is proposing 250 acre feet be purchased in 2009, 250 acre feet in 2011, 250 in 2013 and so on. He said that in 2019 the City would be committed to take 2,500 acre feet of water annually.

Mr. Kinghorn said that the City does have a water conservation plan. Mr. Trusty said that the plan will be revised and it will be brought before the Council for suggestions.

Mr. Kinghorn explained that in order to participate in this first contract offering a decision needs to be made by the Council tonight.

Councilmember Lifferth asked how much more water would be available to the City if the City chose to purchase more.

Mr. Kinghorn said that that information had not been disclosed yet, however there is still 35,000 acre feet available for cities to purchase.

**MOTION:** *Councilmember Lifferth moved to approve a Water Supply Agreement between Central Water Conservancy District and Eagle Mountain City for the sale of CWP municipal industrial water and that the Mayor be authorized to execute the agreement subject to Central Water Conservancy District accepting the agreement on the condition that no payment is required until water is delivered to the agreed point of delivery or the present litigation with Cedar Fort is resolved in favor of the Central Utah District. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

## 26. CITY COUNCIL/MAYOR'S BUSINESS

### Councilmember Ochsenhirt

Councilmember Ochsenhirt explained that he was frustrated that the church site plan was not removed from the consent agenda. He was under the impression that it was to be removed from the consent agenda and placed on the policy session agenda so that the Council could discuss it further. He wanted the church item removed from the consent agenda.

### Councilmember Ireland

No comment.

### Councilmember Lifferth

Councilmember Lifferth stated that he did not mean to make any accusatory statements during the meeting. He just felt that the residents could have used a little more time in coming to a decision on the North Ranch SAA.

### Councilmember Burnham

No comment.

### Councilmember Cieslak

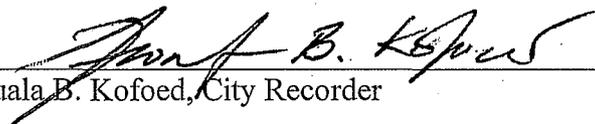
Councilmember Cieslak thanked Councilmember Lifferth for his comments.

27. **COMMUNICATION ITEMS**  
A. Upcoming Agenda Items  
B. Financial Report

28. **ADJOURNMENT**

Councilmember Ochsenhirt moved to adjourn the meeting at 10:16 p.m.

APPROVED BY CITY COUNCIL OCTOBER 7, 2008

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**October 7, 2008**

**Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 4:10 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Economic Development Director; Jason Walker, Management Analyst; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; Adam Ferre, Energy Division Director; Dave Norman, Staff Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sergeant.

**1. DISCUSSION**

A. CITYWIDE RECYCLING (*Presented by Paul Jerome, Senior Accountant*)

**2. AGENDA REVIEW**

The City Council reviewed items on the Consent Agenda and Policy Session Agenda.

**3. CITY ADMINISTRATOR INFORMATION ITEMS**

A. Update on the Sewer Treatment Facility (*Presented by Dave Norman, Staff Engineer*)

**4. ADJOURN TO A CLOSED EXECUTIVE SESSION**

**MOTION:** *Councilmember Cieslak moved to adjourn to a Closed Executive Session for the purpose of discussing the character or professional competence of an individual; existing litigation; reasonably imminent litigation and the acquisition of real property, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

The City Council adjourned to a Closed Executive Session at 6:03 p.m.

## **7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Heather Anne Jackson called the meeting to order at 7:17 p.m. Elena Jennings led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** John Hendrickson, City Administrator; Gerald Kinghorn, City Attorney; Gordon Burt, City Treasurer; Ifo Pili, Economic Development Director; Linda Peterson, Public Information Coordinator; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy Recorder; Steve Mumford, Interim Planning Director; Chris Trusty, Public Works Director; Dave Norman, Staff Engineer; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Neal Castleberry, Lieutenant; Eric McDowell, Sergeant.

### **7. INFORMATION ITEMS/UPCOMING EVENTS**

- Tomorrow is National Walk to School Day. Hidden Hollow Elementary School will hold a "Walking School Bus" event. Students will walk from Nolan Park to the school. Principal Tillman and Mayor Jackson will participate, as well as McGruff and other safety characters.
- A survey about the planned city recreation center will be included in the next utility bill.
- There is a survey on the city website about whether residents are interested in having a compressed natural gas station located in the city.
- The Pony Express/Sweetwater Trail has been completed near Hidden Hollow Elementary School. Construction is going on in the direction of City Center.
- Skate Park ramps will be delivered starting on Monday. It will take approximately three weeks to install the ramps. An opening event will be planned for the Skate Park.
- A public hearing on the UTA annexation was held last Friday night. Mayor Jackson, Councilmember Burnham and Saratoga Springs Councilmember Bud Poduska were in attendance. Most of those who spoke were in favor of the UTA annexation.
- The Public Safety Fair was held yesterday afternoon at Nolan Park.
- A resident was transported out of North Ranch by Life Flight this afternoon. Mayor Jackson hoped that the family is doing well and asked that she be kept informed of what is going on.

### **8. PUBLIC COMMENTS**

Wendi Baggaley, 1467 E. Hawk Way, expressed appreciation for the codification of City ordinances. When she first moved to Eagle Mountain, she wanted to know how current law compared to previous law on the Youth City Council and Community Arts Board, but found that the ordinances were stored chronologically and had no indexes. She also congratulated the Council and City officials for working in unity and the progress such unity has allowed.

Jody Hooley, 5008 N. Lake Mountain Road, asked for help in educating city residents that the land along Lake Mountain Road is private property. Residents have posted the property repeatedly, but the signs are ignored by people riding four-wheelers and dirt bikes, causing damage. She thanked the Sheriff's Department for their assistance when property owners have called about trespassers. She suggested that the City put notices in the newsletter or signs along the road. She said that in Wyoming,

where her husband and son go hunting, the local government installs signs indicating land that is private property.

Leann Dalton, 7468 Castle Rock Road, spoke about the Bike Park. She said that a Council member assured nearby residents that the park would be constructed properly and that no work would be done until the last piece of property was deeded to the City. Work has been done without a signed agreement, a sign was placed without City permission and no volunteer waivers were submitted. Attendees at a Ranches HOA budget meeting were told that the City had already submitted receipts for work on the Bike Park. Construction on the park was performed without an agreement between the City and WAFTA. She said that calling the Bike Park a "not in my back yard" issue meant that the neighbors had no rights for concern at all. The City is asking property owners to have faith in an organization that has already broken the rules. She said some of the concerns expressed by the property owners about the volunteer labor were clearly valid. Signing an agreement with WAFTA at this point would be condoning its behavior. She asked what the consequences will be for illegal trail construction. She asked where the supervision was and why residents are given conflicting information on what is and should be happening. She asked that the Council open the issue for reconsideration and that the agreement not be signed until the project has been re-evaluated.

Fred Peeples, 7572 Kidwelly Court, said there has been a trail of misrepresentations and contradictions regarding the Bike Park. He stated that Darren Garrett did not represent The Ranches HOA, as he said during his presentation at a City Council Work Session. He also stated that Mr. Garrett said the park would be a regional attraction, but the City staff report said that no major events would be held there. Mr. Peeples said that the proposed memorandum of understanding, while not acted on by the Council, said WAFTA may request that the City restrict public access to the Bike Park during certain events. He said these were not personal opinions, but public records from the City. He quoted the WAFTA website from August 1: "Eagle Mountain: Darren and Cougar gathered the troops and had a dig day out there on the 19<sup>th</sup>. Hopefully, some of you got out there to help them build one of the three, single track trails as part of the skills park." He asked the City Council to reopen the Bike Park project for consideration and delay signing the agreement with WAFTA until the Council determines that the City will benefit from working with a group that has had a series of misrepresentations. Mr. Peeples distributed a list of his notes on the issue to the Mayor and Council.

Lisa Jolley, 7455 Castle Rock Road, said that at a Ranches HOA budget meeting, an HOA Board member said the necessary signatures have been obtained on the property deed to the City. It was said at that time that the property owners would not pay the back taxes on the property. She stated that the City and taxpayers are not in the business of paying private property owners' back taxes. Such a payment should not come from the funds budgeted for the project, either, as that would raise the City's expense for the project. She requested that the agreement with WAFTA not be signed and the issue be opened for further consideration.

David Dunn, 9022 N. Alexis Lane, said that he sent an email to City Council members regarding the group home which is applying for a business license to locate in the city. He felt that the group home represented a safety risk to residents. He believed that the City Council also received an email with statistics from Sandy.

April Summers, 2501 E. Prairie View Drive, stated that she was the one who sent the email showing statistics regarding the group home in Sandy. She asked that the status of the issue be discussed during this meeting.

Bob Richardson, 9027 N. South Sunset Drive, is in the process of selling his home. He was concerned that the group home would decrease property values in the subdivision and impact the future of Westview Heights. He was concerned about the potential for blight in the neighborhood. He asked the City to do all in its power to prevent the facility from opening.

Julie Beckstead, 2305 E. Prairie View Dr., said that she has two small children who love to go to the park. She won't be able to send them with a drug rehab in the neighborhood. She stated that the people who will be served by the group home chose to use drugs, so why should Westview Heights residents suffer? She was scared to death of having the group home in the neighborhood. The facility will decrease property values in the neighborhood.

Mayor Jackson responded that City was working on ATV issues and may put up signs along Lake Mountain Road stating that the property is private. She said that she will check on the work on the Bike Park that may have taken place on July 19. Regarding the drug rehabilitation facility, she stated that the City needs to see the facility's application to the State, as it will describe exactly what the group home program and resident population will be. Steve Mumford, Interim Planning Director, said that the City has requested the application through a letter sent by mail and email. Mayor Jackson explained that the City is required to follow a legal process in dealing with a group home application. She was concerned that the residents' message that they oppose the group home may be getting out too soon and may lose momentum before the issue comes before the Planning Commission and City Council.

## 9. CITY COUNCIL/MAYOR'S ITEMS

### CITY COUNCIL COMMENTS

#### Councilmember Cieslak

Councilmember Cieslak said that he and his family are regular users of the library. It's a great library because of both the staff and the interlocal agreement that gives access to books all over the north county. He expressed appreciation to the Fire Department and Sheriff's Office for yesterday's safety fair. He told residents that there are multiple boards and opportunities to serve in the city and encouraged residents to volunteer. He asked that the City provide a list of all city boards so residents will know what opportunities for service are available. He encouraged residents to take part in Neighborhood Watch, which will help them to take ownership of neighborhood safety and strengthen neighborhood relationships.

#### Councilmember Ochsenhirt

Councilmember Ochsenhirt commented on the current trail construction and road repair projects, encouraging Mr. Trusty and his staff to keep City workers from starting and stopping projects, as gravel and other debris are left in project areas. Those few instances create a perception of sloppy work by the City, which is not factual—Public Works does a great job—but it is a perception. He assured residents that the Bike Park and similar issues receive a great deal of discussion. The Council does not always agree, but they disagree respectfully. He said that the City Council wants to be able to rectify mistakes and to be notified of issues. They appreciate all the residents who come and participate. When a point is not met with a resident's desired outcome, it doesn't mean the Council isn't battling for the best overall outcome. The Council wants the park to be successful, to be built right and to have agreements in place.

### Councilmember Ireland

Councilmember Ireland discussed the UTA ballot initiative, encouraging residents to research and support it. He said it is a great opportunity for the city to have public transportation and asked Mayor Jackson what the City can do to inform residents. Mayor Jackson said that the City can send information to residents, but can't advocate for or against the proposal. Councilmember Ireland recommended that the City send out information.

### Councilmember Lifferth

Councilmember Lifferth was pleased to see the progress being made on the trails and the park. He expressed appreciation to the residents who attended tonight's meeting and expressed their concerns. He supports the Bike Park and wants it to be a strong asset to the community. On the UTA issue, he said that the City can only do so much, but individual City Council members can be supportive. Even non-riders will benefit by less traffic congestion. He will write a report on the Utah Lake Commission. He said that Utah has highest concentration of natural gas vehicles of any state in the country. He congratulated City Recorder Fionnuala Kofoed and City staff, both past and present, on the codification of the ordinances and suggested that the City send out a press release.

### Councilmember Burnham

Councilmember Burnham was happy about the progress on the trails. She went to the UTA meeting and was concerned that Saratoga Springs may not pass the annexation into the transportation district due to the tax increase required. She asked Eagle Mountain residents to talk to anyone they know in Saratoga Springs about the benefits that it will provide to Saratoga Springs residents. She stated that the increase in the interlibrary loan fee is due to the rise in postage costs. Postage for the books is generally over \$3.00, so the fee will still not cover the City's costs. She thanked the residents who attend meetings and make public comments. She assured residents that the City will do what is legally possible to prevent the group home from locating in Eagle Mountain. She also congratulated the Recorder's Office for the codification of the City's ordinances.

### Mayor Jackson

Mayor Jackson made no comment.

## 10. APPOINTMENTS

- A. Cemetery Board – Bob Dalton, Elena Jennings, Robert Larsen, and Fred Peeples

Mayor Jackson recommended the appointment of Bob Dalton, Elena Jennings, Robert Larsen and Fred Peeples to the Cemetery Advisory Board.

***MOTION: Councilmember Lifferth moved to appoint Bob Dalton to the Cemetery Advisory Board for a four-year term, Elena Jennings for a two-year term, and Robert Larsen and Fred Peeples for three-year terms. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.***

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Dalton, Ms. Jennings and Mr. Peeples. Mr. Larsen was not present at the meeting, but will receive the oath of office at another time.

## CONSENT AGENDA

**MOTION:** *Councilmember Ireland moved to approve the consent agenda, with the minutes as amended in Work Session. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

### 11. MINUTES

- A. September 16, 2008 – Regular City Council Meeting

### 12. FINAL PLATS

- A. Eagle Mountain Business Campus Plat B
- B. Eagle Point I Chapel Plat A

### 13. SITE PLAN

- A. Family First Dentistry Site Plan

### 14. BOND RELEASES

- A. Stonebridge Estates – Final Bond Release Entering Into Warranty
- B. Colonial Park Phase 2 – Final Bond Release Entering Into Warranty

## SCHEDULED ITEMS

### 15. MOTION – Consideration of a Petition from DR Horton to Revise a Reimbursement Agreement for the Sunrise Drive Water Line.

DR Horton was required to extend a water line from the Meadow Ranch subdivision to the Westview Heights subdivision as part of the water looping requirements. Because this water line provided additional capacity as well as secondary looping within the City, it was considered a system improvement and qualified for reimbursement. Typically, reimbursement agreements state that the City will make payments once a year based on impact fees collected. DR Horton would like to renegotiate their agreement in favor of a lump sum payout by the City.

*Mayor Jackson announced that item 15 was removed from the agenda.*

### 16. DISPOSAL OF PUBLIC LAND

- A. Consideration and Approval of a Designation of Public Property as Insignificant.
- B. Consideration and Approval of Applications for the Disposal of Public Property.

This item was presented by Mayor Jackson. Thomas Davis, 4211 N. Mountain View Drive, and Nate Wright, 2005 E. Lodge Pole Drive, in the Mountain View subdivision have submitted formal letters of application requesting that the City dispose of a portion of the open space behind their homes. This open space area is part of the recorded open space in Mountain View Phase 3. This land has been deemed potentially disposable by the City.

The definition of insignificant land was requested by Councilmember Ireland. Mayor Jackson responded that the City deems property insignificant when the City has no plans to improve the property, the parcel is not defined as having cultural or ecological significance and the disposal will not cause a violation of standards of the Development Code in surrounding or adjacent lands.

**MOTION:** *Councilmember Ireland moved to designate this public property as insignificant. Councilmember Lifferth seconded the motion.*

Councilmember Lifferth asked when the cost of the land would be determined. Ms. Kofoed said that she would email the costs to the Council tomorrow.

Councilmember Burnham asked if the money in excess of the City's costs could be earmarked for the neighborhood in which the land is disposed. Mr. Hendrickson explained that the money must go into the General Fund. The Council then allocates General Fund money during the budget process.

*Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**MOTION:** *Councilmember Lifferth moved to approve the applications for disposal of public property as included in the staff report. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

17. **RESOLUTION – Consideration and Adoption of a Resolution of the City Council of Eagle Mountain City, Utah, Amending the Eagle Mountain City Consolidated Fee Schedule.**

The presentation for this item was made during Work Session. The proposed amendment to the Eagle Mountain City Consolidated Fee Schedule adds the fees identified in the Building Use Policy, corrects terminology used in the Building Department section, corrects a typographical error in the Planning Department section and adds additional fees to the Library section.

**MOTION:** *Councilmember Ireland moved to adopt a Resolution of the City Council of Eagle Mountain City, Utah, amending the Eagle Mountain City Consolidated Fee Schedule. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

18. **ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City, Utah, Adopting the Eagle Mountain City Municipal Code.**

The presentation for this item was given during Work Session. Eagle Mountain City contracted with Code Publishing to codify Eagle Mountain City Ordinances. The codification of City Ordinances from 1997 through 0-10-2008, dated May 6, 2008, has been completed and the Ordinance proposed this evening formalizes the adoption of the Municipal Code. The Municipal Code is a living document, subject to change and will be updated as needed.

Councilmember Lifferth went on record as saying that at one point he took all the existing ordinances and put them into a searchable text database. He requested that a press release be sent out on the codification.

Councilmember Cieslak said that the transparency the codification offers is phenomenal, because users can easily enter a keyword in the search function and get responses.

**MOTION:** *Councilmember Lifferth moved to adopt an Ordinance of Eagle Mountain City, Utah, adopting the Eagle Mountain City Municipal Code in its codified form. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

Mr. Kinghorn explained that Ordinances defined by the codifiers as special Ordinances, such as budget Ordinances, the Consolidated Fee Schedule and those establishing special advisory boards and councils, are not included in the codification. However, indexes to those Ordinances are available in the City Recorder's Office.

**19. BID AWARD – Consideration and Approval of a Bid for the Construction of the Highway 73 East Power Circuit.**

This item was presented by Energy Division Director Adam Ferre. This project is included in the 20-year Capital Facilities Plan; however, with the construction of Coop's Market, the Highway 73 East 12.47 kV Underground Main Feeder and Taps, and Gas Lines Project must be completed in order to provide power to this project to meet the more imminent need. Only two contractors bid: Probst Electric and Tasco Engineering. Probst was the low bidder at \$377,922.10.

**MOTION:** *Councilmember Ochsenhirt moved to award the bid to Probst Electric in the amount of \$377,922.10 for the Underground Main Feeder and Taps, and Gas Lines Project. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**20. BID AWARD – Consideration and Approval of a Bid for Professional Services for the Update to the Eagle Mountain City Capital Facilities Plan.**

Eagle Mountain City has solicited proposals from engineering firms to provide an updated Capital Facilities Plan, in accordance with the Utah Impact Fee Act. Also included in the professional services are a revised Sewer System Master Plan and a Storm Drain Master Plan.

*Mayor Jackson announced that item 20 was removed from the agenda.*

**21. BID AWARD – Consideration and Approval of a Bid for an Upgrade to Well #1 and Construction of Well #5.**

This item was presented by Public Works Director Chris Trusty. Eagle Mountain City has solicited bids from construction firms to complete upgrades to well #1 and to construct well #5. The well #1 project is anticipated to increase its capacity from approximately 1,300 gallons per minute to approximately 2,500 gallons per minute. Well #5 will provide approximately 3,500 gallons per minute. The two projects will effectively double the city's water sources by next summer.

**MOTION:** *Councilmember Ochsenhirt moved to approve an agreement with Clear Construction for the reconstruction of well pump station #1 and construction of well pump station #5 in the amount of \$1,279,363.00. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**22. BID AWARD – Consideration and Approval of a Bid for Pre-Purchase of Equipment for the Well Pump Stations Project.**

The presentation for this item was made during Work Session. In order to complete the construction of the well projects in a timely manner, some of the equipment for well #5 needs to be pre-purchased. It has been determined that the pumps and motors and the electrical equipment to operate the motors could delay the project, due to their availability and lead times. The City intends to order the equipment that has longer lead times ranging from 16 to 24 weeks. Pre-purchasing these items should make them available when the contractor needs to install them.

**MOTION:** *Councilmember Burnham moved to approve the pre-purchase of equipment for well #5, to include the supply of the pump and motor from Nickerson Company for a cost of \$300,550.00 and the supply of electrical equipment from Electrical Wholesale for a cost of \$114,500.00. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**23. CITY COUNCIL/MAYOR'S BUSINESS**

Councilmember Ochsenhirt

Councilmember Ochsenhirt had no comment.

Councilmember Ireland

Councilmember Ireland had no comment.

Councilmember Lifferth

Councilmember Lifferth had no comment.

Councilmember Burnham

Councilmember Burnham had no comment.

Councilmember Cieslak

Councilmember Cieslak had no comment.

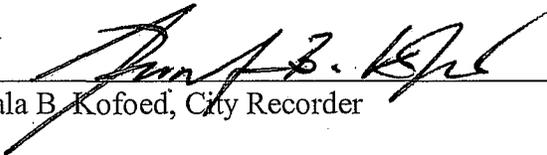
Mayor Jackson

Mayor Jackson stated that last week the City sent a letter to North Ranch residents about the gas line project. Due to additional questions which have been raised, the City will send out another informational letter tomorrow, which will include an extension of the application deadline to October 18<sup>th</sup>. Approximately 37 applications for lateral connections have been received.

**ADJOURNMENT.**

Councilmember Ochsenhirt **moved** to adjourn the meeting at 8:31 p.m.

APPROVED BY CITY COUNCIL ON OCTOBER 21, 2008.

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**October 21, 2008**

**Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*\*\* This meeting may be held telephonically to allow a member of the City Council to participate \*\**

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Jackson called the meeting to order at 4:07 p.m.

**CONDUCTING:** Mayor Heather Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** Adam Ferre, Energy Division Manager; Fionnuala Kofoed, City Recorder; Jerry Kinghorn, City Attorney; John Hendrickson, City Administrator; Steve Mumford, Planning Director; Rand Andrus, Fire Chief; Ifo Pili, Assistant City Administrator; Gordon Burt, Finance Director; Mike Hadley, Senior Planner; Kent Partridge, Building Official; Jeff Weber, Assistant Public Works Director; Linda Peterson, Media Relations Coordinator; Jenalee Harper, Deputy Recorder

**1. DISCUSSION**

- A. Energy Conservation and Sustainable Communities *(Presented by Planning Staff)*
- B. Financial Report *(Presented by Ifo Pili)*

**2. AGENDA REVIEW**

**3. CITY ADMINISTRATOR INFORMATION ITEMS**

- A. Update on the Sewer Treatment Facility *(Presented by Chris Trusty)*

**4. ADJOURN TO A CLOSED EXECUTIVE SESSION**

***MOTION:*** Councilmember Cieslak moved to adjourn to a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.

The City Council adjourned to a closed executive session at 5:43 p.m.

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Jackson called the meeting to order at 7:18 p.m. Zac Nielson led the Pledge of Allegiance.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth, and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** Adam Ferre, Energy Division Manager; Fionnuala Kofoed, City Recorder; Jerry Kinghorn, City Attorney; John Hendrickson, City Administrator; Steve Mumford, Planning Director; Rand Andrus, Fire Chief; Ifo Pili, Assistant City Administrator; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Media Relations Coordinator; Jenalee Harper, Deputy Recorder; Chris Trusty, Public Works Director

## 7. **INFORMATION ITEMS/UPCOMING EVENTS**

- The Presidential Election will be held Tuesday, November 24<sup>th</sup>. There are three polling locations in Eagle Mountain; they are located at the Pony Express Elementary School, Ranches Academy Charter School and Eagle Mountain City Hall. Each polling location will be open from 7:00 a.m. to 8:00 p.m. To find out where to vote visit the City Website.
- Residents were mailed a survey on the Midvalley Recreational Center with their Utility Bill. The City is asking residents to fill these surveys out and return them via mail or in the utility drop box by November 7, 2008.
- The Library will be having a Halloween Movie Masquerade on October 30, 2008 at 5:00 p.m. Pre-registration is required due to a limited amount of space. This event is for ages 5 through 12.
- The Skate Park is expected to be completed by October 30. Signage is being put together for the park. A ribbon cutting ceremony will be held November 5, 2008 at 4:30 p.m., rain or shine.
- It is the time of year that residents need to be shutting off their sprinkler valves to prevent water damage or damage to pipes.
- A grand opening for the Pony Express Trail will be held on Thanksgiving Day. The City will be holding a Turkey Trot that will start by the LDS Stake Center in The Ranches next to the Cedar Pass Ranch entrance and go along the trail to the City Center. Hot chocolate and doughnuts will be served at the end of the Turkey Trot and hayrides will be provided to take participants back to their vehicles.

## 8. **PUBLIC COMMENTS**

Susan Merrell, 7144 Ute Drive, explained that she has lived in the City for over a year and was told that nothing would ruin the view from her home. She said that a two story well pump station was recently built next to her home, impeding her view and decreasing her property value. She feels that she was not properly informed about this project and that Mr. Trusty has not given her all of the information she has requested on the project. She hopes that the area will be landscaped to improve the appearance of the area. She would also like to see something done about the retention pond that is collection trash and is holding stagnant water where mosquitoes are breeding.

## 9. **CITY COUNCIL/MAYOR'S ITEMS**

### **Councilmember Lifferth**

Councilmember Lifferth said that it is a big presidential election year, and asked the people to get out and vote. He said that on the City Website there are photographs of the progress being

made to the wastewater treatment plant and wells, and felt that it's a great way for the City to show what projects are going on and the progress that is being made.

**Councilmember Burnham**

Councilmember Burnham asked that residents be careful when driving their children around for trick-or-treating. She said that the increased traffic can be dangerous with many children running from door to door collecting candy. She asked that residents try to not drive their children around if at all possible. She also said that the voter pamphlets were not mailed out to residents but that they are available in the City Library or Recorder's Office.

**Councilmember Cieslak**

Councilmember Cieslak encouraged residents to vote on Election Day. He feels that many residents would benefit from UTA services if this item passes. He encouraged all who are passionate about a certain subject to be polite and courteous when writing emails and speaking to others regarding those matters.

**Councilmember Ochsenhirt**

Councilmember Ochsenhirt expressed thanks to those who have been working hard on the Bike Park, and the play fields along Sweetwater Road. He asked Mr. Trusty for an updated on the repaving in Mt. Airey. He said that residents are confused because they thought that the road would be widened more than it has been.

**Councilmember Ireland**

Councilmember Ireland thanked those involved with the UTA initiative and hopes that it will pass. He is excited to see the progress that the park projects are making. He also feels that the Turkey Trot on the Pony Express Trail is a great idea.

Mayor Jackson thanked the citizen who called the Sheriff's Department about the young girl and boy found neglected in a home. She said to not be afraid to pick up the phone when you have a concern.

**10. APPOINTMENT**

- A. Cemetery Advisory Board – Zac Nielson

**MOTION:** *Councilmember Cieslak moved to appoint Zac Nielson to the Cemetery Advisory Board for a four year term. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth, and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

City Recorder Fionnuala Kofoed administered the oath of office to Mr. Zac Nielson.

**CONSENT AGENDA**

**11. MINUTES**

- A. October 7, 2008 – Regular City Council Meeting
- B. October 3, 2006 – Regular City Council Meeting
- C. October 17, 2006 – Regular City Council Meeting
- D. October 24, 2006 – Special City Council Meeting

- E. November 21, 2006 – Regular City Council Meeting
- F. December 5, 2006 – Regular City Council Meeting
- G. January 9, 2007 – Regular City Council Meeting

12. **REVISED BOND**

- A. Revised Landscape Bond – Autumn Ridge Phase 1

13. **CHANGE ORDERS**

- A. Fire Station 2 Change Order #2
- B. Amending Local Share for Fire Department Brush Fire Vehicle
- C. 2008 City Parks Improvement Project

14. **FINAL PAYMENTS**

- A. 2008 Walden Park Detention Pond
- B. 2008 Ranches Parkway Storm Drain  
This item was removed from the agenda.

15. **SETTLEMENT OF CLAIM**

- A. Settlement of Claim of DR Horton Company

**MOTION:** *Councilmember Ireland moved to approve the consent agenda, with the minutes as amended in Work Session and the removal of item 14 B. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, and David Lifferth. The motion passed with a unanimous vote.*

**SCHEDULED ITEMS**

16. **PUBLIC HEARING – Consideration of and Adoption of an Ordinance of Eagle Mountain City, Utah, Adjusting the Common Boundaries Between the City of Saratoga Springs and Eagle Mountain City and Providing for an Effective Date.**

Capital Security Mortgage and Tracy K. Gibbs own approximately 35 acres in Saratoga Springs near The Ranches Golf Course driving range. A formal application was made to both Eagle Mountain City and the City of Saratoga Springs to adjust the boundary and locate in Eagle Mountain City. Utah Code Ann. § 10-2-419 establishes a procedure for adjustment of the common boundaries between adjacent municipalities. Both cities adopted a Resolution of Intent in August 2008 as the first step in the process which also began the 60-day noticing/protest period and set a public hearing for October 21, 2008.

Mrs. Kofoed explained that there had been a problem with the legal description that left the parcel open as well as a noticing problem with Saratoga Springs. She explained that the City had received no formal protest against this boundary adjustment and that all noticing requirements had been met.

*Mayor Jackson opened the Public Hearing at 7:52 p.m.*

*Mayor Jackson closed the Public Hearing at 7:52 p.m.*

Councilmember Lifferth asked if there were liens or any other obligations that the City would have to assume at recordation of this land.

Mayor Jackson said that there was not any.

**MOTION:** *Councilmember Ireland moved to adopt an Ordinance of Eagle Mountain City, Utah, Adjusting the Common Boundaries between the City of Saratoga Springs and Eagle Mountain City effective immediately. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

17. **DISCUSSION – Discussion of Status of Coop’s Market Place.**

This item was removed from the agenda.

18. **BID AWARD – Consideration and Approval of a Bid for Professional Services for the Update to the Eagle Mountain City Capital Facilities Plan.**

Eagle Mountain City has solicited proposals from engineering firms to provide an updated Capital Facilities Plan, in accordance with the Utah Impact Fee Act. Also included in the professional services are a revised Sewer System Master Plan and a Storm Drain Master Plan.

Mr. Trusty explained that this process could take up to a year.

Councilmember Lifferth asked what the determining factor is to have staff review a project like this compared to a third party.

Mr. Hendrickson explained that scope of the project, amount of time and staff’s availability are all deciding factors. He said that in this particular case, state law has several requirements that need to be met and that the City felt that a third party review would be the best. He said that the development community is very interested in this area.

**MOTION:** *Councilmember Ireland moved to award a Bid for Professional Services for the Update to the Eagle Mountain City Capital Facilities Plan to Horrocks Engineering in the amount of \$100,753. Councilmember Burnham seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

19. **BID AWARD – Consideration and Approval of a Bid for the Completion of the Sweetwater/Pony Express Trail.**

Eagle Mountain City has been in the process of constructing the Sweetwater/Pony Express trail. Currently, a 2,000 foot gap separates the trail in the Town Center from The Ranches. Staker Parsons has given the City a price to complete that section of the trail, bridging the gap between the Town Center and The Ranches.

Councilmember Ireland explained that this item was being paid for out of the park improvements budget. He asked what other park improvements may not be built because of this expense.

Mayor Jackson said that \$300,000 was allocated for park improvements. She explained that this money was divided between three parks, approximately \$100,000 dollars for each park. She said that the City would try to get a CDBG Grant to help pay for improvements that won't be able to be installed because of funds going toward the trail.

**MOTION:** *Councilmember Cieslak moved to award a Bid for the Completion of the Sweetwater/Pony Express Trail to Staker Parsons in the amount of \$80,953.50. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

**20. AGREEMENT – Consideration and Approval of a Tolling Agreement with Cedar Valley Water Company.**

Mr. Kinghorn explained that the Cedar Valley Water Company has filed a claim against the City which is currently in settlement negotiations. He said that in order for the parties to complete settlement negotiations before the statute of limitations expires on the claims of Cedar Valley Water Company, it is necessary for the parties to agree to stay ("toll") the running of the statute of limitations. He explained that the agreement will allow both parties to reserve the claims against each other pending negotiations.

Mr. Kinghorn stated that the City denies that it has done anything wrong with respect to the agreement. He said that the Cedar Valley Water Company believes that the Statute of Limitations will expire on approximately November 6<sup>th</sup> of 2008. He explained that the City is actively negotiating with them.

Councilmember Lifferth asked if Mr. Kinghorn agreed with the statement that the Statute of Limitations would expire on November 6<sup>th</sup> of 2008.

Mr. Kinghorn explained that he does not agree with that date and that he has a different view of how the agreement operates.

Councilmember Ochsenhirt asked if approving the agreement would mean that the City is only extending the Statute of Limitations.

Mr. Kinghorn said yes that the Statute of Limitations would be extended to the expiration date of the tolling agreement.

Councilmember Lifferth asked if the agreement could be extended again if necessary. Mr. Kinghorn stated that it could be.

Mr. Kinghorn recommended that March 1<sup>st</sup> or April 1<sup>st</sup> of 2009 should be the expiration date.

**MOTION:** *Councilmember Ireland moved to enter into a Tolling Agreement with Cedar Valley Water Company with the expiration on March 5, 2009. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

21. **MOTION – Consideration and Approval of the Land Use Element of the Master Development Plan for Scenic Mountain.**

Mr. Mumford explained that the prior Scenic Mountain Master Development Plan proposal had 389 units with a total gross density of 9.9 units per acre. He said that the applicant is providing more open space than what is required. There will be a mix of housing types and densities. He said that the existing house sitting on the property would be turned into a recreation center for the community. 11 acres of the project are unbuildable because of the land slopes. The new density will be 9.7 units per acre.

Councilmember Lifferth felt that the location of the main road entering onto S.R. 73 will result in accidents because the view is limited.

Mr. Mumford explained that residents will enter the project from the golf course entrance to avoid accidents. The road will be a right turn in, right turn out only. He explained that eventually UDOT will install a light at the entrance, depending on traffic counts.

Mr. Turnbull explained that they are under contract with the LDS Church for a church site.

Councilmember Lifferth asked if a traffic study had been conducted for the traffic that would be added to Mt. Airey Drive.

Mr. Trusty felt that a traffic study should be conducted and that it should also be a condition of approval.

Mr. Turnbull explained that all options had been looked at for the road connecting to S.R. 73.

Mr. Mumford said that a requirement for this project is that it is compatible with the surrounding areas. If there are 1 acre lots or large lots next to the project, transitioning is required.

Councilmember Ireland asked if this project was compatible with the Southmoore area. Mr. Mumford felt that it was compatible.

Councilmember Lifferth asked if the developer would be constructing a pathway in the utility corridor.

Mr. Mumford explained that the City plans to have a regional trail running through the corridor but at this time the developer would not be required to construct their portion of the trail.

Councilmember Burnham asked how many stories the 20 unit condo buildings are.

Mr. Turnbull explained that it is 2 to 3 stories high. He explained that the process has been very long and that a great deal of time has been spent planning this project. He feels that this development needs to be an attractive and well planned. Mr. Turnbull explained that there needs to be a signalized intersection on Mt. Airey Drive.

Mayor Jackson asked if the project could be approved subject to a traffic study being done for Mt. Airey Drive.

Mr. Kinghorn explained that this project is only here for land use element approval and that specifics such as traffic studies should not be conditions of approval. He said that if the density is a concern then the Council should wait until the project comes through the preliminary process for a traffic study to be conducted.

Councilmember Ochsenhirt feels that there are too many subdivisions using Mt. Airey Drive and that the road was not built to accommodate the current traffic volume, let alone another high density project. He explained that he did not want to place a hardship on the developer but it was his opinion that a traffic study and adjustments needed to be conducted before any approvals were given.

Councilmember Lifferth recommended that a plan be put in place for a new Eagle Mountain monument since the boundaries have been extended.

Mayor Jackson requested that the monument be moved to the appropriate side of the street instead of where it is currently located.

**MOTION:**     *Councilmember Lifferth moved to table the Land Use Element of the Master Development Plan for Scenic Mountain. Councilmember Burnham seconded the motion.*

Councilmember Burnham expressed concerned about the high density in the P1 area.

Mr. Turnbull said that in the past he was concerned with how the parcel would be developed and advised the land owner that it would be in his best interest to annex this piece into the Eagle Mountain City. He feels that the plan proposed for this property is an improvement. He does not want to go back and tell the land owner that the density that has been approved is no longer acceptable to the City.

Councilmember Ireland asked how quickly a traffic study could be done.

Mr. Trusty asked if the Council wanted the City to conduct the traffic study or if the Developer should be responsible for conducting it. He said that it takes approximately 3 or more weeks depending on how the traffic study is conducted.

Mr. Hendrickson said that based on Mr. Trusty's comments the traffic study should be able to be completed and ready to present to the Council by mid November's City Council meeting.

Councilmember Lifferth called the question.

*Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

## **22. CITY COUNCIL/MAYOR'S BUSINESS**

### **Councilmember Ochsenhirt**

No Comment.

### **Councilmember Ireland**

No Comment.

**Councilmember Lifferth**

Councilmember Lifferth wished everyone a Happy Halloween.

**Councilmember Burnham**

No Comment.

**Councilmember Cieslak**

Councilmember Cieslak reminded everyone to vote.

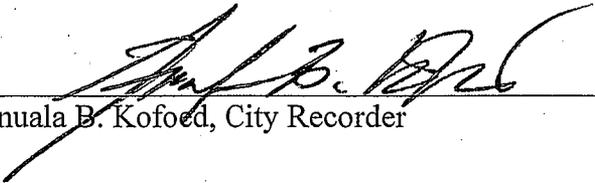
**23. COMMUNICATION ITEMS**

A. Upcoming Agenda Items

**24. ADJOURNMENT**

Councilmember Cieslak **moved** to adjourn the meeting at 8:59 p.m.

APPROVED BY CITY COUNCIL ON NOVEMBER 19, 2008.

  
\_\_\_\_\_  
Fionnuala B. Kofoed, City Recorder

**MINUTES**  
**EAGLE MOUNTAIN CITY COUNCIL MEETING**

**December 2, 2008**

**Work Session at 4:00 p.m. - Policy Session at 7:00 p.m.**

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

**4:00 P.M. WORK SESSION – CITY COUNCIL CHAMBERS**

Mayor Jackson called the meeting to order at 4:08 p.m.

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** Adam Ferre, Energy Division Manager; Fionnuala Kofoed, City Recorder; Jerry Kinghorn, City Attorney; John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Steve Mumford, Planning Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Media Relations Coordinator; Jenalee Harper, Deputy Recorder.

1. AGENDA REVIEW
2. CITY ADMINISTRATOR INFORMATION ITEMS
  - A. Update on the Sewer Treatment Facility (*Presented by Chris Trusty*)
3. ADJOURN TO A CLOSED EXECUTIVE SESSION

**MOTION:** *Councilmember Lifferth moved to adjourn to a Closed Executive Session for the purpose of discussing litigation, pursuant to Section 52-4-205(1) of the Utah Code, Annotated. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

The City Council adjourned to a closed executive session at 6:05 p.m.

**7:00 P.M. POLICY SESSION – CITY COUNCIL CHAMBERS**

Mayor Jackson called the meeting to order at 7:14 p.m.

4. CALL TO ORDER

**CONDUCTING:** Mayor Heather Anne Jackson

**ELECTED OFFICIALS PRESENT:** Councilmembers Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.

**CITY STAFF PRESENT:** Adam Ferre, Energy Division Manager; Fionnuala Kofoed, City Recorder; Jerry Kinghorn, City Attorney; John Hendrickson, City Administrator; Ifo Pili, Assistant City Administrator; Steve Mumford, Planning Director; Rand Andrus, Fire Chief; Gordon Burt, Finance Director; Kent Partridge, Building Official; Linda Peterson, Media Relations Coordinator; Jenalee Harper, Deputy Recorder.

5. PLEDGE OF ALLEGIANCE

Zac Braswell led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- A winter coat drive is being sponsored by Eagle Mountain City. Donation boxes are located at Eagle Mountain City Hall, The Ranches Fire Station, Eagle Valley Elementary, Hidden Hollow Elementary, Pony Express Elementary and the Rockwell Charter High School.
- The Tree Lighting Ceremony will be held December 5, 2008 at 6:00 p.m. Santa Claus will be visiting; parents are welcome to take pictures.
- Saturday, December 13, 2008 from 8:30 a.m. to 12:30 p.m. Santa Claus will be driving through each neighborhood on an Eagle Mountain City Fire Truck passing out candy to the children. Listen for the siren to let you know that he has arrived in your neighborhood.
- The seniors will be hosting an old fashioned Christmas dinner party on December 22, 2008 at 5:00 p.m. Seniors 55 and up are invited. There will also be prize drawings and a Christmas program. A Toys for Tots donation box will also be there.
- Jason Walker, Management Analyst, has been named the head coach for the football team at West Lake High School in Saratoga Springs. He will be working part time as the football coach.
- Sergeant McDowell was awarded employee of the month from the Utah County Sheriff's Office.

7. PUBLIC COMMENTS

- Robert Hill, 1457 E Falcon Lane, thanked the City for work done on trail system. He said that there is a berm behind his home that has been reduced in height. Workers told him that the berm would be replaced in a timely manner. He explained that the berm had not been fixed and is worried that it will not be. He paid extra when buying his home because of the berm and the added privacy it provided. He asked that the City make sure that the berm is restored to its original state.

8. CITY COUNCIL/MAYOR'S ITEMS

Councilmember Cieslak

Councilmember Cieslak thanked the Youth Council and The Hills for all of their hard work. He also thanked Fionnuala Kofoed, City Recorder for going above and beyond at her job. He encouraged residents to help and look out for their neighbors.

Councilmember Ochsenhirt

Councilmember Ochsenhirt also thanked the Youth Council for their hard work. He asked that Mr. Trusty give an update on the Mt. Airey paving, because there had been some issues that needed to be addressed. He said that he was glad to see the improvements in community service, parks and the general feel of the city. He feels that it is a better place to live and wished everyone a Merry Christmas

Councilmember Ireland

Councilmember Ireland wished everyone a Merry Christmas.

Councilmember Lifferth

Councilmember Lifferth recognized everyone who was dressed for the Christmas season. He explained that a while back he had come up with 20 goals for himself and the City to have accomplished by 2008. He stated that one of the goals was to restore the positive image of Eagle Mountain City that it deserves. He feels that the community has become a better place. He is grateful for a very dedicated Council. He is glad that the grocery store is making some progress. He explained that he is launching a new version of his website and wished everyone a Merry Christmas.

Councilmember Burnham

Councilmember Burnham wished everyone a Merry Christmas and thanked Councilmember Lifferth for his comments.

Mayor Jackson

Mayor Jackson explained that the Turkey Trot turned out wonderfully. She explained that the City's lobbyist suggested that Pony Express Parkway be moved up within the State onto the STIP. She said that this would allow the City to receive funding from the State to make improvements to Pony Express Parkway. A transportation meeting will be held at the City Hall building on January 7, 2009 at 6:30 p.m. Fairfield, Cedar Fort, Saratoga Springs and Lehi City have all been invited to attend this meeting. State and Federal Representatives have been invited as well. Mayor Jackson hopes to discuss all of these City's transportation needs at this meeting.

9. YOUTH COUNCIL UPDATE

Youth Council Mayor John Burnham explained that the Youth Council was on fire this year and that a lot was being accomplished. He said that they had helped with a pancake breakfast and various activities at Pony Express Days. The Youth Council has also participated in the Eagle Valley Harvest Festival. The members of the Youth Council have each been assigned various responsibilities. They have recently completed a service project in where they stuffed the candy bags for the upcoming Santa on the fire truck. The Council will also help pass out the candy. January 28, 2009 it is local official's day State Capitol, the Youth Council will be attending this event.

10. APPOINTMENTS

A. Planning Commission – Bonnie El Halta, Karleen Bechtel, John Linton, Preston Dean

**MOTION:** *Councilmember Ireland moved to appoint Bonnie El Halta for a term to expire on December 31, 2009; Preston Dean for a term to expire on December 31, 2011;*

*Karleen Bechtel for a term to expire on December 31, 2011; John Linton for a term to expire on December 31, 2011. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt.*

City Recorder Fionnuala Kofoed administered the oath of office to Bonnie El Halta, Karleen Bechtel and Preston Dean.

B. Fire Department Personnel – David Hansen

Fire Chief Rand Andrus administered the oath of office to Mr. David Hansen.

**CONSENT AGENDA**

11. MINUTES

- A. November 18, 2008 – Regular City Council Meeting

12. CHANGE ORDERS

- A. Sweetwater Trail Gap Change Order #1 – Staker Parson  
B. Sweetwater Trail North Change Order #1 – Staker Parson  
C. Mid Valley Regional Park C, Phase 1 Change Order #1 – MSCI  
D. Fire Station No. 2 Change Orders #7, #10, #11, #12 & #13 – Entelen

13. FINAL PAYMENTS

- A. Sweetwater Trail Gap – Staker Parson  
B. Sweetwater Trail North – Staker Parson  
C. Mid Valley Regional Park C, Phase 1 – MSCI

14. SITE PLAN

- A. Eagle Point Plat I – LDS Chapel

15. APPOINTMENT

- A. Appointment of Representative – Dispatch Board Resolution

16. CITY COUNCIL MEETING SCHEDULE

- A. Approval of 2009 City Council Meeting Schedule

**MOTION:** *Councilmember David Lifferth moved to approve the consent agenda as presented. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Ryan Ireland and David Lifferth. Those voting nay: Eric Cieslak, Nathan Ochsenhirt. The motion passed with a 3 to 2 vote.*

**SCHEDULED ITEMS**

17. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City Amending the Eagle Mountain City General Plan.

Steve Mumford, Planning Director, explained that the General Plan Amendment will designate a majority of Hidden Valley land as Mixed use Residential. He said the land is currently zoned as Rural Residential. He explained that the City's General Plan Document states that it is within the best interest of the City to enable a variety of housing products, through flexible density regulations and to be able to meet the present and future market demands of its residents. Staff is recommending approval of this item.

**MOTION:** *Councilmember Cieslak moved to adopt an Ordinance of Eagle Mountain City Amending the Eagle Mountain City General Plan. Councilmember Ireland seconded the motion.*

Councilmember Lifferth said that many concerns and issues came up during the work session discussion of this item. He asked if those issues would be addressed now or at a later time.

Mayor Jackson explained that they would be addressed later on.

Councilmember Ochsenhirt asked Mr. Kinghorn if he felt that there was adequate protection to make all adjustments that are feasible and necessary at a later date.

Mr. Kinghorn replied with a yes.

*Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

18. MOTION – Consideration and Approval of the Land Use Element of the Hidden Valley Master Development Plan.

Mr. Mumford explained that this item had been discussed at length in a previous City Council meeting and that a public hearing was also held. He said that some concerns had been brought up in regards to open space, trails and property lines. Hidden Valley includes approximately 1,121 acres of land with a density of 4.1 units per acre. Mr. Mumford reviewed the types of homes, the density percentages and trails within Hidden Valley.

Councilmember Lifferth asked if full credit was given for trails as required open space parks.

Mr. Mumford explained that the code specifies improved open space as "to the liking of the city, and parks and trails." He said that it is up to the City Council to determine whether or not these amenities are a good equalizer for the area.

Councilmember Cieslak explained that when you add the units up it does not come to 4,635, rather it comes to 4,649. He asked if this had to do with the 14 residential units that were discussed in work session.

Mr. Mumford said yes and that he thought it had been changed and that it was most likely a typo. He said that the number should be 4,635 and that they would double check everything. The location of the open spaces will be determined as the areas are developed.

Mr. Mumford explained that Design Workshop has made recommendations on how many parks should be located in Hidden Valley. There should be 1 Community Park, 4 neighborhood parks and 9 pocket parks located within Hidden Valley. A broad list of amenities for these parks has been provided by Design Workshop as well.

Mr. Mumford discussed right-of-ways. He said that some of them had been narrowed slightly and that staff requires that one of them be increased.

Mr. Kinghorn explained that no street standards or anything specific is being approved but that the land use only is what is being voted on. He said that when the agreement is completed these items will be discussed and taken care of.

Mr. Kirkland explained that two years ago the City approved a subdivision in the area on top of a ridge. He said that the preliminary plat for this subdivision still exists, however it was decided that the development of that area would not be pursued. He explained that shortly after this decision the City came through with a hilltop ordinance so that no homes could be built upon ridge lines. He feels that this decision was important to the City.

Mayor Jackson thanked Mr. Kirkland for putting in the amounts of open space required.

Councilmember Ireland said that this could double the population of Eagle Mountain, and wants to park area to compensate for the increase.

Mayor Jackson explained that the Master Development Agreement will cover this issue.

Mr. Kinghorn explained that the Master Park Plans should cover all of the park needs.

Mr. Kinghorn stated that a 5 acre parcel had been donated to the City for the Oquirrh Mountain area.

**MOTION:** *Councilmember Lifferth moved to approve the Land Use Element of the Hidden Valley Master Development Plan subject to the following conditions:*

1. *25%. There will be no building on 25% or greater slopes.*
2. *Trail Widths. Trails along major streets to be 8 feet and additional trails put in by the developer above and beyond what is called for by the Development Code can be narrower depending on their use and purpose.*
3. *Street Widths. The "two-lane local street with parallel parking on one side only" must be increased to 51 total feet of right-of-way, consistent with city standards.*
4. *Bike Trails. Since this project abuts the approved city bike park, bike trails must be improved that connect with this bike park and provide access to the park from various areas of this project.*
5. *Traffic. That the mitigation requirements suggested in the traffic report be installed (see traffic study and attached letter from Chris Trusty, Public Works Director.)*
6. *Water. That a water tank at sufficient elevation be required for the upper pressure zone, to be constructed by the City and financed by the developer. This tank will need to be constructed prior to the issuing building permits for this zone. Included with the construction of the water tank is the associated booster pump and water*

*main. Individual plats must show proper water pressure and looping (see attached letter from Chris Trusty, Public Works Director.)*

7. *Sewer. The applicant must prove existing capacity on the sewer trunkline from the development to the TSSD metering station. If there is not sufficient capacity in the existing line, all sewage to be lifted must be outed to the south service area.*

Councilmember Lifferth asked the applicant how soon houses would be built in this area.

Mr. Kirkland explained that he could not answer that question

*Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

19. AGREEMENT – Consideration and Approval of a Concert Agreement between Eagle Mountain City and K-Bull 93 for the Pony Express Days Concert.

- A. Josh Gracin
- B. Darryl Worley

Mayor Jackson explained that the proposed contracts are for music entertainment for the 2009 Pony Express Days celebration. The concert will be called the Pony Express Days Tribute to our Troops, K-Bull 93 is calling it the low dough show. Tickets will be \$15.00 each, if carrying a military id up to 6 tickets can be purchased at \$12.00 each.

Mr. Kinghorn explained that the contracts actually being approved will be between the City, JAB Country, LLC and Whirlybird Tours Inc.

**MOTION:** *Councilmember Cieslak moved to approve a Concert Agreement between Eagle Mountain City and K-Bull 93 for the Pony Express Days Concert subject to legal review and addenda. Councilmember Burnham seconded the motion.*

Councilmember Lifferth asked if there were any major changes between the proposed contract and contracts done in the past.

Mayor Jackson explained that they have all been relatively similar and that no major changes have ever been made.

Mr. Kinghorn explained that provisions can be added to these contracts that will bring them within acceptable terms with the City. He said that these particular contracts are different in that they require insurance to be provided by the City that he is not sure that the City's carrier will provide.

Councilmember Lifferth called the question.

*Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

20. RESOLUTION – Consideration and Adoption of a Resolution of Eagle Mountain City Amending the Consolidated Fee Schedule.

The amendment to the Consolidated Fee Schedule is to amend the rate for the garbage service fuel surcharge. With the drop in gas prices, the amount charged to the City by Allied Waste for fuel has consequently dropped. This proposal is to adopt a fluctuating rate that will be charged to residents.

**MOTION:** *Councilmember Lifferth moved to adopt a Resolution of Eagle Mountain City Amending the Consolidated Fee Schedule to change the current garbage service fuel surcharge from a flat rate to a fluctuating rate. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

21. AGREEMENT – Consideration and Approval of an Interlocal Agreement between Eagle Mountain City and UTA.

In November, 2008, the citizens of Eagle Mountain approved an increase of 0.25% to all sales tax collected in the City. In exchange for that commitment, UTA indicated they would provide a twice a day service from Eagle Mountain to Salt Lake City. This agreement is to certify that commitment of both parties and will serve to notify the Utah State Tax Commission that the sales tax in Eagle Mountain will be increased on all taxable sales beginning January 1, 2009.

**MOTION:** *Councilmember Lifferth moved to approve an Inter-local Agreement between Eagle Mountain City and UTA for the provision of transit services to Eagle Mountain based on the vote of the populous in November. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

22. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City Amending and Re-enacting a Sales, Use and Transit Tax.

At the General Election earlier this month, Eagle Mountain City voters approved a ballot proposition for annexation into the Utah Transit Authority transportation district and a .25% transit tax to support the UTA services. This Ordinance authorizes the transit tax and amends the city's existing sales and use tax. The tax imposed by this Ordinance will take effect on April 1, 2009 which is the earliest date available under the sales tax statute.

**MOTION:** *Councilmember Lifferth moved to adopt an Ordinance of Eagle Mountain City amending and re-enacting Ordinance 1997-01 to impose and addition of one quarter percent municipal transit tax to the sales and use tax authorized by Ordinance 1997-01 providing for the performance by the State Tax Commission of all functions incident to the administration operation and collection of the taxes hereby imposed and providing penalties for the violations thereof. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

23. AGREEMENT – Consideration and Approval of a Utility Agreement between Eagle Mountain City and UDOT for the S.R. 68 Design/Build Project.

The design/builder for UDOT's SR-68 widening project has been coordinating with Eagle Mountain to relocate an existing guy wire associated with power poles located near 10400 North. The proposed agreement will allow UDOT to relocate the poles and accommodate the SR-68 widening project.

Councilmember Ochsenhirt asked who would be completing the work.

Mr. Kinghorn explained that the City would do the work and UDOT would reimburse.

Councilmember Lifferth asked that additional maps be provided in the future for similar projects.

**MOTION:** *Councilmember Cieslak moved to approve a Utility Agreement between Eagle Mountain City and UDOT for the S.R. 68 Design/Build Project. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

24. RESOLUTION – Consideration and Adoption of a Resolution Authorizing the Execution and Delivery of that Certain Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action; and Related Matters.

The Utah Associated Municipal Power Systems (UAMPS) Board of Directors approved an amendment and restatement of the Agreement for Joint and Cooperative Action and Bylaws. Adopting the proposed resolution and authorizing the Mayor to execute the agreement is the formal action that the City Council will need to take to continue to participate with UAMPS.

Councilmember Cieslak asked why the language “of that certain” was being used in the resolution language.

Mr. Kinghorn explained that this language was provided by UAMPS to be used as the resolution language.

**MOTION:** *Councilmember Cieslak moved to adopt a Resolution Authorizing the Execution and Delivery of that Certain Utah Associated Municipal Power Systems Amended and Restated Agreement for Joint and Cooperative Action; and Related Matters. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

25. ORDINANCE – Consideration and Adoption of an Ordinance of Eagle Mountain City Amending and Rescinding Resolutions 12-2006 and 19-2006, Creating a Cemetery Advisory Board and Ratifying Existing Appointments to the Cemetery Advisory Board.

The proposed ordinance consolidates prior resolutions of the Cemetery Advisory Board in an ordinance and ratifies the appointments made under the prior resolutions. The Board is authorized to consider, investigate and report to the City Council on all aspects of cemetery issues as it may relate to a future cemetery in Eagle Mountain. The requirement for a member of the Planning Commission to be a member of the Cemetery Board has been removed.

**MOTION:** *Councilmember Cieslak moved to adopt an Ordinance of Eagle Mountain City Amending and Rescinding Resolutions 12-2006 and 19-2006, Creating a Cemetery Advisory Board and Ratifying Existing Appointments to the Cemetery Advisory Board. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

26. BID AWARD – Consideration and Award of Bid to Skip Dunn for the Construction of an 8-inch Secondary Irrigation Waterline to Well Pump Station #4.

The City drilled and constructed a new well pump station in the spring of 2008. The well meets the State Water Quality Division regulatory requirement. However, the well was shut down because of complaints about the taste and odor of the water. The City has decided to connect this well to an existing irrigation system and use the water to irrigate open space along the parkway and Nolan Park in The Ranches.

**MOTION:** *Councilmember Lifferth moved to award a Bid to Skip Dunn for the Construction of an 8-inch Secondary Irrigation Waterline to Well Pump Station #4 in the amount of \$122,710.50. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

27. BID AWARD – Consideration and Award of Bid for the Pre-purchase of a Box Culvert for Porter's Crossing.

Included in the 2009 City budget, the City Council has approved construction for the extension of Porter's Crossing from just north of Smith Ranch Road to Pony Express Parkway. With the extension of this roadway, a culvert will need to be installed to convey flows within the Tickville Wash. Because it is the intent to complete the project prior to Pony Express Days and there is a 60-day manufacturing requirement, staff has bid out this portion of the project separately.

**MOTION:** *Councilmember Cieslak moved to award a Bid for the Pre-purchase of a Box Culvert for Porter's Crossing in the amount of \$108,850.51 from Oldcastle Precast Amcor. Councilmember Ireland seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

28. AGREEMENTS – Consideration and Approval of the RDA Gateway Project Agreements.

The Redevelopment Agency of Eagle Mountain has authorized the creation of the Gateway Community Development Area (CDA) in order to offer tax-increment financing incentives to Coop's Market (Associated Foods). The agreements stipulate the tax increment levels of participation and performance requirements of each participating entity.

Mr. Pili explained that for the first 4 years the City will not collect the full amount of sales and property tax, which incentivizes the shopping center to begin construction. This will only apply to the grocery store.

Councilmember Ochsenhirt asked if something similar to this agreement could be given to future businesses that come into the area.

Mayor Jackson said that it is possible.

Mr. Pili explained that they are the anchor store and so there is a need to incentives them.

Councilmember Lifferth asked what the process is for giving the taxes back.

Mr. Pili explained that property taxes are distributed to the City three times a year. The City would then create a separate budget for the RDA. From there the City would determine what time of year they would like to distribute those funds back.

Councilmember Lifferth asked when construction would begin.

Mr. Pili said that it was pending on site plan and RDA approvals and then the project should be ready to go.

A. Interlocal Agreement between the Eagle Mountain RDA and Eagle Mountain City

**MOTION:** *Councilmember Burnham moved to approve an Inter-local Agreement between Eagle Mountain City and the Eagle Mountain RDA. Councilmember Lifferth seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

B. Interlocal Agreement between the Eagle Mountain RDA, Eagle Mountain City and Associated Foods

**MOTION:** *Councilmember Cieslak moved to approve an Inter-local Agreement between Eagle Mountain City, Eagle Mountain RDA and Associated Foods. Councilmember Ochsenhirt seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with a unanimous vote.*

29. CITY COUNCIL/MAYOR'S BUSINESS

Councilmember Ireland

No comment.

Councilmember Lifferth

Councilmember Lifferth wished everyone a Merry Christmas.

Councilmember Burnham

Councilmember Burnham wished everyone a Merry Christmas.

Councilmember Cieslak

Councilmember Cieslak wished everyone a Merry Christmas.

Councilmember Ochsenhirt

Councilmember Ochsenhirt wished everyone a Merry Christmas.

30. COMMUNICATION ITEMS

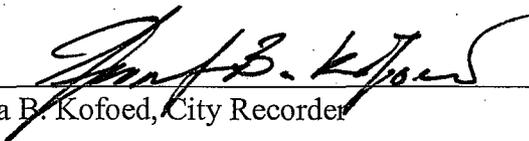
A. Upcoming Agenda Items

31. ADJOURNMENT

**MOTION:** *Councilmember Ochsenhirt moved to adjourn the meeting at 8:59 p.m. Councilmember Cieslak seconded the motion. Those voting aye: Donna Burnham, Eric Cieslak, Ryan Ireland, David Lifferth and Nathan Ochsenhirt. The motion passed with unanimous vote.*

The meeting adjourned at 8:59 p.m.

APPROVED BY THE CITY COUNCIL ON JANUARY 6, 2009

  
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Fionnuala B. Kofoed, City Recorder